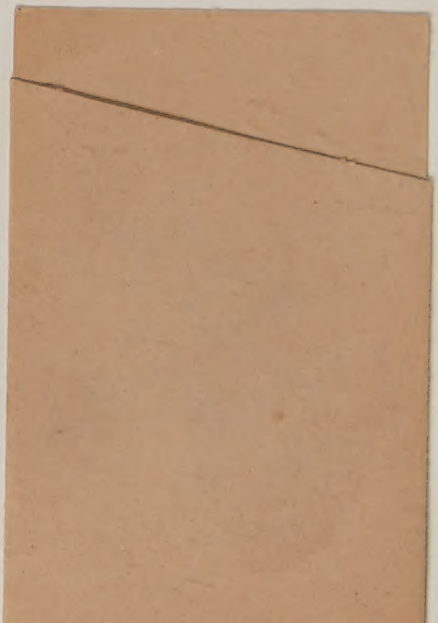

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Twelve English Statesmen

HENRY THE SECOND

HENRY THE SECOND

BY

MRS. J. R. GREEN

(Alice Stopford Green)

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CHAPTER I

HENRY PLANTAGENET

THE history of the English people would have been a great and a noble history whatever king had ruled over the land seven hundred years ago. But the history as we know it, and the mode of government which has actually grown up among us is in fact due to the genius of the great king by whose will England was guided from 1154 to 1189. He was a foreign king who never spoke the English tongue, who lived and moved for the most part in a foreign camp, surrounded with a motley host of Brabançons and hirelings; and who in intervals snatched from foreign wars hurried for a few months to his island-kingdom to carry out a policy which took little heed of the great moral forces that were at work among the people. It was under the rule of a foreigner such as this, however, that the races of conquerors and conquered in England first learnt to feel that they were one. It was by his power that England, Scotland, and Ireland were brought to some vague acknowledgment of a common suzerain lord, and the foundations laid of the United Kingdom of Great Britain and Ireland. It was he who abolished feudalism as a system of government, and left it little

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more than a system of land-tenure. It was he who defined the relations established between Church and State, and decreed that in England churchman as well as baron was to be held under the Common law. It was he who preserved the traditions of self-government which had been handed down in borough and shire-moot from the earliest times of English history. His reforms established the judicial system whose main outlines have been preserved to our own day. It was through his "Constitutions" and his "Assizes" that it came to pass that over all the world the English-speaking races are governed by English and not by Roman law. It was by his genius for government that the servants of the royal household became transformed into Ministers of State. It was he who gave England a foreign policy which decided our continental relations for seven hundred years. The impress which the personality of Henry II. left upon his time meets us wherever we turn. The more clearly we understand his work, the more enduring does his influence display itself even upon the political conflicts and political action of our own days.

For seventy years three Norman kings had held England in subjection. William the Conqueror, using his double position as conqueror and king, had established a royal authority unknown in any other feudal country. William Rufus, poorer than his father when the hoard captured at Winchester and the plunder of the Conquest were spent, and urged alike by his necessities and his greed, laid the foundation of an organized system of finance. Henry I., after his overthrow of the baronage, found his absolute power only limited by the fact that there was no machinery

sufficient to put in exercise his boundless personal power; and for its support he built up his wonderful administrative system. There no longer existed any constitutional check on the royal authority. The Great Council still survived as the relic and heir both of the English Witenagemot and the Norman Feudal Court. But in matters of State its "counsel" was scarcely asked or given; its "consent" was yielded as a mere matter of form; no discussion or hesitation interrupted the formal and pompous display of final submission to the royal will. The Church under its Norman bishops, foreign officials trained in the King's chapel, was no longer a united national force, as it had been in the time of the Saxon kings. The mass of the people was of no account in politics. The trading class scarcely as yet existed. The villeins tied to the soil of the manor on which they had been born, and shut out from all courts save those of their lord; the inhabitants of the little hamlets that lay along the river-courses or in clearings among dense woods, suspicious of strangers, isolated by an intense jealousy of all that lay beyond their own boundaries or by traditional feuds, had no part in the political life of the nation.

But the central government had proved in the long run too weak to check the growth of feudal tendencies. The land was studded with fortresses—the homes of lords who exercised criminal jurisdiction without appeal, and who had their private prisons and private gallows. Their manor courts, whether they were feudal courts established by the new nobility of the Conquest, or whether they represented ancient franchises in which Norman lords had succeeded to the jurisdiction of earlier

English rulers, were more and more turned into mere feudal courts. In the Shire courts themselves the English sheriff who used to preside over the court was replaced by a Norman "*vicecomes*," who practically did as he chose, or as he was used to do in Normandy, in questions of procedure, proof, and judgment. The old English hundred courts, where the peasants' petty crimes had once been judged by the freemen of the district, had now in most cases become part of the fief of the lord, whose newly-built castle towered over the wretched hovels of his tenants, and the peasants came for justice to the baron's court, and paid their fees to the baron's treasury. The right of private coinage added to his wealth, as the multitude of retainers bound to follow them in war added to his power. The barons were naturally roused to a passion of revolt when the new administrative system threatened to cut them off from all share in the rights of government, which in other feudal countries were held to go along with the possession of land. They hated the "new men" who were taking their places at the council-board; and they revolted against the new order which cut them off from useful sources of revenue, from unchecked plunder, from fines at will in their courts of hundred and manor, from the possibility of returning fancy accounts, and of profitable "farming" of the shires; they were jealous of the clergy, who played so great a part in the administration, and who threatened to surpass them in the greatness of their wealth, their towns and their castles; and they only waited for a favourable moment to declare open war on the government of the court.

In this uncertain balance of forces in the State order

rested ultimately on the personal character of the king; no sooner did a ruler appear who was without the sense of government than the whole administration was at once shattered to pieces. The only son of Henry I. had perished in the wreck of the *White Ship;* and his daughter Matilda had been sent to Germany as a child of eight years old, to become the wife of the Emperor Henry V. On his death in 1125 her father summoned her back to receive the homage of the English people as heiress of the kingdom. The homage was given with as little warmth as it was received. Matilda was a mere stranger and a foreigner in England, and the rule of a woman was resented by the baronage. Two years later, in 1128, Henry sought by means of a marriage between the Empress Matilda and Geoffrey, the son of Count Fulk of Anjou, to secure the peace of Normandy, and provide an heir for the English throne; and Matilda unwillingly bent once more to her father's will. A year after the marriage Count Fulk left his European dominions for the throne of Jerusalem; and Geoffrey entered on the great inheritance which had been slowly built up in three hundred years, since the days of the legendary Tortulf the Forester. Anjou, Maine, and Touraine already formed a state whose power equalled that of the French kingdom; to north and south successive counts had made advances towards winning fragments of Britanny and Poitou; the Norman marriage was the triumphant close of a long struggle with Normandy; but to Fulk was reserved the greatest triumph of all, when he saw his son heir, not only of the Norman duchy, but of the great realm which Normandy had won.

But, for all this glory, the match was an ill-assorted

one, and from first to last circumstances dealt hardly with the poor young Count. Matilda was twenty-six, a proud ambitious woman "with the nature of a man in the frame of a woman." Her husband was a boy of fifteen. Geoffrey the Handsome, called Plantagenet from his love of hunting over heath and broom, inherited few of the great qualities which had made his race powerful. Like his son Henry II. he was always on horseback; he had his son's wonderful memory, his son's love of disputations and law-suits; we catch a glimpse of him studying beneath the walls of a beleaguered town the art of siege in Vegetius. But the darker sides of Henry's character might also be discerned in his father; genial and seductive as he was, he won neither confidence nor love; wife and barons alike feared the silence with which he listened unmoved to the bitterest taunts, but kept them treasured and unforgotten for some sure hour of revenge; the fierce Angevin temper turned in him to restlessness and petulance in the long series of revolts which filled his reign with wearisome monotony from the moment when he first rode out to claim his duchy of Normandy, and along its southern frontier peasant and churl turned out at the sound of the tocsin, and with fork and flail drove the hated "Guirribecs" back over the border. Five years after his marriage, in 1133, his first child was born at Le Mans. Englishmen saw in the grandson of "good Queen Maud" the direct descendant of the old English line of kings of Ælfred and of Cerdic. The name Henry which the boy bore after his grandfather marked him as lawful inheritor of the broad dominions of Henry I., "the greatest of all kings in the memory of ourselves and our fathers." From his father

he received, with the surname of Plantagenet by which he was known in later times, the inheritance of the Counts of Anjou. Through his mother Matilda he claimed all rights and honours that pertained to the Norman dukes.

Heir of three ruling houses, Henry was brought up wherever the chances of war or rebellion gave opportunity. He was to know neither home nor country. His infancy was spent at Rouen "in the home," as Henry I. said, "of his forefather Rollo." In 1135 his grandfather died, and left him, before he was yet three years old, the succession to the English throne But Geoffrey and Matilda were at the moment hard pressed by one of their ceaseless wars. The Church was openly opposed to the rule of the House of Anjou; the Norman baronage on either side of the water inherited a long tradition of hatred to the Angevin. Stephen of Blois, a son of the Conqueror's daughter Adela, seized the English throne, and claimed the dukedom of Normandy. Henry was driven from Rouen to take refuge in Angers, in the great palace of the counts, overlooking the river and the vine-covered hills beyond. There he lived in one of the most ecclesiastical cities of the day, already famous for its shrines, its colleges, the saints whose tombs lay within its walls, and the ring of priories and churches and abbeys that circled it about.

The policy of the Norman kings was rudely interrupted by the reign of Stephen of Blois. Trembling for the safety of his throne, he at first rested on the support of the Church and the ministers who represented Henry's system. But sides were quickly changed. The great churchmen and the ministers were soon cast off by the new ruler. "By my Lady St. Mary," said Roger

of Salisbury, when he was summoned to one of Stephen's councils, "my heart is unwilling for this journey; for I shall be of as much use in court as is a foal in battle." The revolution was completed in 1139, when the king in a mad panic seized and imprisoned Roger, the representative alike of Church and ministers. With the ruin of Roger who for thirty years had been head of the government, of his son Roger the chancellor, and his nephew Nigel the treasurer, the ministerial system was utterly destroyed, and the whole Church was alienated. Stephen sank into the mere puppet of the nobles. The work of the Exchequer and the Curia Regis almost came to an end. A little money was still gathered into the royal treasury; some judicial business seems to have been still carried on, but it was only amid overwhelming difficulties, and over limited districts. Sheriffs were no longer appointed over the shires, and the local administration broke down as the central government had done. Civil war was added to the confusion of anarchy, as Matilda again and again sought to recover her right. In 1139 she crossed to England, where in siege, in battle, in council, in hair-breadth escapes from pursuing hosts, from famine, from perils of the sea, she showed the masterful authority, the impetuous daring, the pertinacity which she had inherited from her Norman ancestors. Stephen fell back on his last resource—a body of mercenary troops from Flanders,—but the Brabançon troops were hated in England as foreigners and as riotous robbers, and there was no payment for them in the royal treasury. The barons were all alike ready to change sides as often as the shifting of parties gave opportunity to make

a gain of dishonour; an oath to Stephen was as easy to break as an oath to Matilda or to her son. Great districts, especially in the south and middle of England, and on the Welsh marches, suffered terribly from war and pillage; all trade was stopped; great tracts of land went out of cultivation; there was universal famine.

In 1142 Henry, then nine years old, was brought to England with a chosen band of Norman and Angevin knights; and while Matilda held her rough court at Gloucester as acknowledged sovereign of the West, he lived at Bristol in the house of his uncle, Robert of Gloucester, the illegitimate son of Henry I., who was in these troubled days still loyal to the cultured traditions of his father's court, and a zealous patron of learning. Amid all the confusion of a war of pillage and slaughter, surrounded by half-wild Welsh mercenaries, by the lawless Norman-Welsh knights, by savage Brabançons, he learned his lessons for four years with his cousin, the son of Robert, from Master Matthew, afterwards his chancellor and bishop of Angers. As Matilda's prospects grew darker in England, Geoffrey recalled Henry in 1147 to Anjou; and the next year he joined his mother in Normandy, where she had retired after the death of Earl Robert. There was a pause of five years in the civil war; but Stephen's efforts to assert his authority and restore the reign of law were almost unavailing. All the country north of the Tyne had fallen into the hands of the Scot king; the Earl of Chester ruled at his own will in the north-west; the Earl of Aumale was king beyond the Humber.

With the failure of Matilda's effort the whole burden of securing his future prospects fell upon Henry himself, then a boy of fifteen. Nor was he slow to accept

the charge. A year later, in 1149, he placed himself in open opposition to Stephen as claimant to the English throne, by visiting the court of his great-uncle, David of Scotland, at Carlisle; he was knighted by the Scot king, and made a compact to yield up to David the land beyond the Tyne when he should himself have won the English throne. But he found England cold, indifferent, without courage; his most powerful friends were dead, and he returned to Normandy to wait for better days. Geoffrey was still carrying on the defence of the duchy against Stephen's son Eustace, and his ally, the King of France; and Henry joined his father's army till peace was made in 1151. In that year he was invested with his mother's heritage, and became at eighteen Duke of Normandy; at nineteen his father's death made him Count of Anjou, Touraine, and Maine.

The young Count had visited the court of Paris to do homage for Normandy and Anjou, and there he first saw the French queen, Eleanor of Aquitaine. Her marriage with Louis VII. had been the crowning success of the astute and far-sighted policy of Louis VI.; for the dowry Eleanor had brought to the French crown, the great province of the South, had doubled the territories and the wealth of the struggling little kingdom of France. In the Crusade of 1147 she had accompanied king and nobles to the Holy Land as feudal head of the forces of Aquitaine; and had there baffled the temper and sagacity of Louis by her political intrigues. Sprung of a house which represented to the full the licentious temper of the South, she scornfully rejected a husband indifferent to love, and ineffective in war as in politics. She had "married a monk and not

a king," she said, wearied with a superstition that showed itself in long fasts of more than monkish austerity, and in the humiliating reverence with which the king would wait for the meanest clerk to pass before him. In the square-shouldered ruddy youth who came to receive his fiefs, with his "countenance of fire," his vivacious talk and overwhelming energy and scant ceremoniousness at mass, she saw a man destined by fate and character to be in truth a "king." Her decision was as swift and practical as that of the keen Angevin, who was doubtless looking to the southern lands so long coveted by his race. A divorce from her husband was procured in March 1152; and two months after she was hastily, for fear of any hindrance, married to the young Count of Anjou, "without the pomp or ceremony which befitted their rank." At nineteen, therefore, Henry found himself the husband of a wife about twenty-seven years of age, and the lord, besides his own hereditary lands and his Norman duchy, of Poitou, Saintonge, Perigord, Limousin, Angoumois, and Gascony, with claims of suzerainty over Auvergne and Toulouse. In a moment the whole balance of forces in France had changed; the French dominions were shorn to half their size; the most brilliant prospects that had ever opened before the monarchy were ruined; and the Count of Anjou at one bound became ruler of lands which in extent and wealth were more than double those of his suzerain lord.

The rise of this great power to the west was necessarily the absorbing political question of the day. It menaced every potentate in France; and before a month was out a ring of foes had gathered round the upstart Angevin ruler. The outraged King of France; Stephen,

King of England, and Henry's rival in the Norman duchy; Stephen's nephew, the Count of Champagne, brother of the Count of Blois; the Count of Perche; and Henry's own brother, Geoffrey, were at once united by a common alarm; and their joint attack on Normandy a month after the marriage was but the first step in a comprehensive design of depriving the common enemy of the whole of his possessions. Henry met the danger with all the qualities which mark a great general and a great statesman. Cool, untroubled, impetuous, dashing from point to point of danger, so that horses sank and died on the road in his desperate marches, he was ready wherever a foe threatened, or a friend prayed help. Foreign armies were driven back, rebel nobles crushed, robber castles broken down; Normandy was secured and Anjou mastered before the year was out. The strife, however, had forced him for the first time into open war with Stephen, and at twenty Henry turned to add the English crown to his dominions.

Already the glory of success hung about him; his footsteps were guided by prophecies of Merlin; portents and wonders marked his way. When he landed on the English shores in January 1153, he turned into a church "to pray for a space, after the manner of soldiers," at the moment when the priest opened the office of the mass for that day with the words, "Behold there cometh the Lord, the Ruler, and the kingdom is in his hand." In his first battle at Malmesbury the wintry storm and driving rain which beat in the face of Stephen's troops showed on which side Heaven fought. As the king rode out to the next great fight at Wallingford, men noted fearfully that he fell three times from his

horse. Terror spread among the barons, whose interests lay altogether in anarchy, as they saw the rapid increase of Henry's strength; and they sought by a mock compromise to paralyse the power of both Stephen and his rival. "Then arose the barons, or rather the betrayers of England, treating of concord, although they loved nothing better than discord; but they would not join battle, for they desired to exalt neither of the two, lest if the one were overcome the other should be free to govern them; they knew that so long as one was in awe of the other he could exercise no royal authority over them." Henry subdued his wrath to his political sagacity. He agreed to meet Stephen face to face at Wallingford; and there, with a branch of the Thames between them, they fixed upon terms of peace. Stephen's son Eustace, however, refused to lay down arms, and the war lingered on, Stephen being driven back to the eastern counties, while Henry held mid-England. In August, however, Eustace died suddenly, "by the favour of God," said lovers of peace; and Stephen, utterly broken in spirit, soon after yielded.

The strife died out, in fact, through sheer exhaustion, for years of anarchy and war had broken the strength of both sides; and at last "that happened which would least be believed, that the division of the kingdom was not settled by the sword." The only body of men who still possessed any public feeling, any political sagacity, or unity of purpose, found its opportunity in the general confusion. The English Church, "to whose right it principally belongs to elect the king," as Theobald had once said in words which Gregory VII. would have approved, beat down all opposition of the

angry nobles; and in November 1153 Theobald, Archbishop of Canterbury, and Henry of Blois, Bishop of Winchester and brother of Stephen, brought about a final compromise. The treaty which had been drawn up at Wallingford was confirmed at Westminster. Henry was made the adopted son of Stephen, a sharer of his kingdom while he lived, its heir when he should die. "In the business of the kingdom," the king promised, "I will work by the counsel of the duke; but in the whole realm of England, as well in the duke's part as my own, I will exercise royal justice." Henry did homage and swore fealty to Stephen, while, as they embraced, "the bystanders burst into tears of joy," and the nobles, who had stood sullenly aloof from counsel and consent, took oaths of allegiance to both princes. For a few months Henry remained in England, months marked by suspicions and treacheries on all sides. Stephen was helpless, the nobles defiant, their strongholds were untouched, and the treaty remained practically a dead letter. After the discovery of a conspiracy against his life supported by Stephen's second son and the Flemish troops, Henry gave up for the moment the hopeless task, and left England. But before long Stephen's death gave the full lordship into his hands. On the 19th of December 1154 he was crowned at Winchester King of England, amid the acclamations of crowds who had already learned "to bear him great love and fear."

King of England, Duke of Normandy, Count of Anjou, Maine, and Touraine, Count of Poitou, Duke of Aquitaine, suzerain lord of Britanny, Henry found himself at twenty-one ruler of dominions such as no king before him had ever dreamed of uniting. He was master

of both sides of the English Channel, and by his alliance with his uncle, the Count of Flanders, he had command of the French coast from the Scheldt to the Pyrenees, while his claims on Toulouse would carry him to the shores of the Mediterranean. His subjects told with pride how "his empire reached from the Arctic Ocean to the Pyrenees;" there was no monarch save the Emperor himself who ruled over such vast domains. But even the Emperor did not gather under his sway a grouping of peoples so strangely divided in race, in tongue, in aims, in history. No common tie of custom or of sympathy united the unwieldy bundle of states bound together in a common subjection; the men of Aquitaine hated Anjou with as intense a bitterness as they hated France; Angevin and Norman had been parted for generations by traditional feuds; the Breton was at war with both; to all England was "another world"—strange in speech, in law, and in custom. And to all the subjects of his heterogeneous empire Henry himself was a mere foreigner. To Gascon or to Breton he was a man of hated race and alien speech, just as much as he was to Scot or Welshman; he seemed a stranger alike to Angevin and Norman, and to Englishmen he came as a ruler with foreign tastes and foreign aims as well as a foreign tongue.

We see in descriptions of the time the strange rough figure of the new king, "Henry Curtmantel," as he was nicknamed from the short Angevin cape which hung on his shoulders, and marked him out oddly as a foreigner amid the English and Norman knights, with their long fur-lined cloaks hanging to the ground. The square stout form, the bull-neck and broad shoulders, the powerful arms and coarse rough hands, the legs bowed

from incessant riding, showed a frame fashioned to an extraordinary strength. His head was large and round; his hair red, close-cut for fear of baldness; his fiery face much freckled; his voice harsh and cracked. Those about him saw something "lion-like" in his face; his gray eyes, clear and soft in his peaceful moments, shone like fire when he was moved, and few men were brave enough to confront him when his face was lighted up by rising wrath, and when his eyes rolled and became bloodshot in a paroxysm of passion. His overpowering energy found an outlet in violent physical exertion. "With an immoderate love of hunting he led unquiet days," following the chase over waste and wood and mountain; and when he came home at night he was never seen to sit down save for supper, but wore out his court with walking or standing till after nightfall, even when his own feet and legs were covered with sores from incessant exertion. Bitter were the complaints of his courtiers that there was never any moment of rest for himself or his servants; in war time indeed, they grumbled, excessive toil was natural, but time of peace was ill-consumed in continual vigils and labours and in incessant travel—one day following another in merciless and intolerable journeyings. Henry had inherited the qualities of the Angevin race—its tenacity, its courage, its endurance, the sagacity that was without impatience, and the craft that was never at fault. With the ruddy face and unwieldy frame of the Normans other gifts had come to him; he had their sense of strong government and their wisdom; he was laborious, patient, industrious, politic. He never forgot a face he had once seen, nor anything that he heard

which he deemed worthy of remembering: where he once loved he never turned to hate, and where he once hated he was never brought to love. Sparing in diet, wasting little care on his dress—perhaps the plainest in his court,—frugal, "so much as was lawful to a prince," he was lavish in matters of State or in public affairs. A great soldier and general, he was yet an earnest striver after peace, hating to refer to the doubtful decision of battle that which might be settled by any other means, and stirred always by a great pity, strange in such an age and in such a man, for lives poured out in war. "He was more tender to dead soldiers than to the living," says a chronicler querulously; "and found far more sorrow in the loss of those who were slain than comfort in the love of those who remained." His pitiful temper was early shown in his determination to put down the barbarous treatment of shipwrecked sailors. He abolished the traditions of the civil war by forbidding plunder, and by a resolute fidelity to his plighted word. In political craft he was matchless; in great perils none was gentler than he, but when the danger was past none was harsher; and common talk hinted that he was a willing breaker of his word, deeming that in the pressure of difficulty it was easier to repent of word than deed, and to render vain a saying than a fact. "His mother's teaching, as we have heard, was this: That he should delay all the business of all men; that whatever fell into his hands he should retain a long while and enjoy the fruit of it, and keep suspended in hope those who aspired to it; confirming her sentences with this cruel parable, 'Glut a hawk with his quarry and he will hunt no more; show

it him and then draw it back and you will ever keep him tractable and obedient.' She taught him also that he should be frequently in his chamber, rarely in public; that he should give nothing to any one upon any testimony but what he had seen and known; and many other evil things of the same kind. We, indeed," adds this good hater of Matilda, "confidently attributed to her teaching everything in which he displeased us."

A king of those days, indeed, was not shielded from criticism. He lived altogether in public, with scarcely a trace of etiquette or ceremony. When a bishop of Lincoln kept Henry waiting for dinner while he performed a service, the king's only remedy was to send messenger after messenger to urge him to hurry in pity to the royal hunger. The first-comer seems to have been able to go straight to his presence at any hour, whether in hall or chapel or sleeping-chamber; and the king was soundly rated by every one who had seen a vision, or desired a favour, or felt himself aggrieved in any way, with a rude plainness of speech which made sorely necessary his proverbial patience under such harangues. "Our king," says Walter Map, "whose power all the world fears, . . . does not presume to be haughty, nor speak with a proud tongue, nor exalt himself over any man." The feudal barons of mediæval times had, indeed, few of the qualities that made the courtiers of later days, and Henry, violent as he was, could bear much rough counsel and plain reproof. No flatterer found favour at his court. His special friends were men of learning or of saintly life. Eager and eloquent in talk, his curiosity was boundless. He is said to have known all languages from Gaul to the Jordan,

though he spoke only French and Latin. Very discreet in all business of the kingdom, and a subtle finder out of legal puzzles, he had "knowledge of almost all histories, and experience of all things ready to his hand." Henry was, in fact, learned far beyond the learning of his day. "The king," wrote Peter of Blois to the Archbishop of Palermo, "has always in his hands bows and arrows, swords and hunting-spears, save when he is busy in council or over his books. For as often as he can get breathing-time amid his business cares, he occupies himself with private reading, or takes pains in working out some knotty question among his clerks. Your king is a good scholar, but ours is far better. I know the abilities and accomplishments of both. You know that the King of Sicily was my pupil for a year; you yourself taught him the elements of verse-making and literary composition; from me he had further and deeper lessons, but as soon as I left the kingdom he threw away his books, and took to the easy-going ways of the court. But with the King of England there is school every day, constant conversation of the best scholars and discussion of questions."

Behind all this amazing activity, however, lay the dark and terrible side of Henry's character. All the violent contrasts and contradictions of the age, which make it so hard to grasp, were gathered up in his varied heritage; the half-savage nature which at that time we meet with again and again united with the finest intellectual gifts; the fierce defiance born of a time when every man had to look solely to his own right hand for security of life and limb and earthly regard—a defiance caught now and again in the grip of an overwhelming

awe before the portents of the invisible world; the sudden mad outbreaks of irresponsible passion which still mark certain classes in our own day, but which then swept over a violent and undisciplined society. Even to his own time, used as it was to such strange contrasts, Henry was a puzzle. Men saw him diligently attend mass every day, and restlessly busy himself during the most solemn moments in scribbling, in drawing pictures, in talking to his courtiers, in settling the affairs of State; or heard how he refused confession till forced to it by terror in the last extremity of sickness, and then turned it into a surprising ceremony of apology and self-justification. At one time they saw him, conscience-smitten at the warning of some seer of visions, sitting up through the night amid a tumultuous crowd to avert the wrath of Heaven by hastily restoring rights and dues which he was said to have unjustly taken, and when the dawning light of day brought cooler counsel, swift to send the rest of his murmuring suitors empty away; at another bowing panicstricken in his chapel before some sudden word of ominous prophecy; or as a pilgrim, barefoot, with staff in hand; or kneeling through the night before a shrine, with scourgings and fastings and tears. His steady sense of order, justice, and government, broken as it was by fits of violent passion, resumed its sway as soon as the storm was over; but the awful wrath which would suddenly break forth, when the king's face changed, and he rolled on the ground in a paroxysm of madness, seemed to have something of diabolic origin. A story was told of a demon ancestress of the Angevin princes: "From the devil they came, and to the devil they will go," said the grim fatalism of the day.

CHAPTER II

THE ANGEVIN EMPIRE

THE new kingdom which Henry had added to his dominions in France might well seem to a man of less inexhaustible energy to make the task of government impossible. The imperial system of his dreams was as recklessly defiant of physical difficulties as it was heedless of all the sentiments of national tradition. In the two halves of his empire no common political interest and no common peril could arise; the histories of north and south were carried on apart, as completely as the histories of America and England when they were apparently united under one king, and were in fact utterly severed by the ocean which defined the limits of two worlds. England had little part or lot in the history of Europe. Foreign policy it had none; when its kings passed to Normandy, English chroniclers knew nothing of their doings or their wars. Some little trade was carried on with the nearest lands across the sea,—with Normandy, with Flanders, or with Scandinavia,—but the country was almost wholly agricultural. Feudal in its social structure, governed by tradition, with little movement of inner life or contact with the world about it, its people had remained jealous of strangers, and as yet distinguished

from the nations of Europe by a strange immobility and want of sympathy with the intellectual and moral movements around them. Sometimes strangers visited its kings; sometimes English pilgrims made their way to Rome by a dangerous and troublesome journey. But even the connection with the Papacy was slight. A foreign legate had scarcely ever landed on its shores; hardly any appeals were carried to the Roman Curia; the Church managed its own business after a customary fashion which was in harmony with English traditions, which had grown up during centuries of undisturbed and separate life.

On the other side of the Channel Henry ruled over a straggling line of loosely compacted states equal in extent to almost half of the present France. His long line of ill-defended frontier brought him in contact with the lands of the Count of Flanders, one of the chief military powers of the day; with the kingdom of France, which, after two hundred years of insignificance, was beginning to assert its sway over the great feudal vassals, and preparing to build up a powerful monarchy; and with the Spanish kingdoms which were emerging from the first successful effort of the Christian states to throw back the power of the Moors. Normandy and Auvergne were separated only by a narrow belt of country from the Empire, which, under the greatest ruler and warrior of the age, Frederick Barbarossa, was extending its power over Burgundy, Provence, and Italy. His claims to the over-lordship of Toulouse gave Henry an interest in the affairs of the great Mediterranean power—the kingdom of Sicily; and his later attempts on the territories of the Count of Maurienne brought him into close connection

with Italian politics. No ruler of his time was forced more directly than Henry into the range of such international politics as were possible in the then dim and inchoate state of European affairs. England, which in the mind of the Norman kings had taken the first place, fell into the second rank of interests with her Angevin rulers. Henry's thoughts and hopes and ambitions centred in his continental domains. Lord of Rouen, of Angers, of Bordeaux, master of the sea-coast from Flanders to the Pyrenees, he seemed to hold in his hand the feeble King of Paris and of Orleans, who was still without a son to inherit his dignities and lands. The balance of power, as of ability and military skill, lay on his side; and, long as the House of Anjou had been the bulwark of the French throne, it even seemed as if the time might come peaceably to mount it themselves. Looking from our own island at the work which Henry did, and seeing more clearly by the light of later events, we may almost forget the European ruler in the English king. But this was far from being the view of his own day. In the thirty-five years of his reign little more than thirteen years were spent in England and over twenty-one in France. Thrice only did he remain in the kingdom as much as two years at a time; for the most part his visits were but for a few months torn from the incessant tumult and toil of government abroad; and it was only after long years of battling against invincible forces that he at last recognized England as the main factor of his policy, and in great crises chose rather to act as an English king than as the creator of an empire.

The first year after Henry's coronation as King of England was spent in securing his newly-won possession.

On Christmas Day, 1154, he called together the solemn assembly of prelates, barons, and wise men which had not met for fifteen years. The royal state of the court was restored; the great officers of the household returned to their posts. The Primate was again set in the place he held from early English times as the chief adviser of the crown. The nephew of Roger of Salisbury, Nigel, Bishop of Ely, was restored to the post of treasurer from which Stephen had driven him fifteen years before. Richard de Lucy and the Earl of Leicester were made justiciars. One new man was appointed among these older officers. Thomas, the son of Gilbert Becket, was born in Cheapside in 1117. His father, a Norman merchant who had settled by the Thames, had prospered in the world; he had been portreeve of London, the predecessor of the modern mayor, and visitors of all kinds gathered at his house,—London merchants and Norman nobles and learned clerks of Italy and Gaul. His son was first taught by the Augustinian canons of Merton Priory, afterwards he attended schools in London, and at twenty was sent to Paris for a year's study. After his return he served in a London office, and as clerk to the sheriffs he was directly concerned during the time of the civil war with the government of the city. It was during these years that the Archbishop of Canterbury began to form his household into the most famous school of learning in England, and some of his chaplains in their visits to Cheapside had been struck by the brilliant talents of the young clerk. At Theobald's request Thomas, then twenty-four years old, entered the Primate's household, somewhat reluctantly it would seem, for he had as yet shown little zeal either for

religion or for study. He was at once brought into the most brilliant circle of that day. The chancellor and secretary was John of Salisbury, the pupil of Abelard, the friend of St. Bernard and of Pope Adrian IV., the first among English men of letters, in whom all the learning of the day was summed up. With him were Roger of Pont l'Evêque, afterwards archbishop of York; John of Canterbury, later archbishop of Lyons; Ralph of Sarr, later dean of Reims; and a distinguished group of lesser men; but from the time when Thomas entered the household "there was none dearer to the archbishop than he." "Slight and pale, with dark hair, long nose, and straightly-featured face, blithe of countenance, keen of thought, winning and lovable in conversation, frank of speech, but slightly stuttering in his talk," he had a singular gift of winning affection; and even from his youth he was "a prudent son of the world." It was Theobald who had first brought the Canon law to England, and Thomas at once received his due training in it, being sent to Bologna to study under Gratian, and then to Auxerre. He was very quickly employed in important negotiations. When in 1152 Stephen sought to have his son Eustace anointed king, Thomas was sent to Rome, and by his skilful plea that the papal claims had not been duly recognized in Stephen's scheme he induced the Pope to forbid the coronation. In his first political act therefore he definitely took his place not only as an adherent of the Angevin claim, but as a resolute asserter of papal and ecclesiastical rights. At his return favours were poured out upon him. While in the lowest grade of orders, not yet a deacon, various livings and pre-

bends fell to his lot. A fortnight before Stephen's death Theobald ordained him deacon, and gave him the archdeaconry of Canterbury, the first place in the English Church after the bishops and abbots; and he must have taken part under the Primate in the work of governing the kingdom until Henry's arrival. The archbishop was above all anxious to secure in the councils of the new king the due influence not only of the Church, but of the new school of the canon lawyers who were so profoundly modifying the Church. He saw in Thomas the fittest instrument to carry out his plans; and by his influence the archdeacon of Canterbury found himself, a week after the coronation of Henry, the king's chancellor.

Thomas was now thirty-eight; Theobald, Nigel, and Leicester were all old men, and the young king of twenty-two must have seemed a mere boy to his new counsellors. The Empress had been left in Normandy to avoid the revival of old quarrels. Hated in England for her proud contempt of the burgher, her scorn of the churchman, her insolence to her adherents, she won in Normandy a fairer fame, as "a woman of excellent disposition, kind to all, bountiful in almsgiving, the friend of religion, of honest life." The political activity of Queen Eleanor was brought to an abrupt close by her marriage. In Henry she found a master very different from Louis of France, and her enforced withdrawal from public affairs during her husband's life contrasts strangely, not only with her former career, but with the energy which, when the heavy yoke was taken off her neck, she displayed as an old woman of nearly seventy during the reign of her son. Henry, in fact, stood alone among his new people. No debt of gratitude, no ties of

friendship, bound the king to the lords whose aims he had first learned to know at Wallingford. The great barons who thronged round him in his court had all been rebels; the younger among them had never known what order, government, or loyalty meant. The Church was hesitating and timorous. To the people he was an utter stranger, unable even to speak their tongue. But from the first Henry took his place as absolute master and leader. "A strict regard to justice was apparent in him, and at the very outset he bore the appearance of a great prince."

The king at once put in force the scheme of reform which had been drawn up the year before at Wallingford, and of which the provisions have come down to us in phrases drawn from the two sources which were most familiar to the learned and the vulgar of that day,—the Bible, and the prophecies of Merlin, the seer of King Arthur. The nobles were to give up all illegal rights and estates which they had usurped. The castles built by the warring barons were to be destroyed. The king was to bring back husbandmen to the desolate fields, and to stock pastures and forests and hillsides with cattle and deer and sheep. The clergy were henceforth to live in quiet, not vexed by unaccustomed burdens. Sheriffs were to be restored to the counties, who should do justice without corruption, nor persecute any for malice; thieves and robbers were to be hanged; the armed forces were to be disbanded; the knights were to beat their swords into ploughshares, and their spears into pruning-hooks; the hired Flemish soldiers were to turn from the camp to the plough, from tents to workshops, there to render as servants the obedience they had once

demanded as masters. The work which Stephen had failed to do was now swiftly accomplished. The Flemish mercenaries vanished "like phantoms," or "like wax before the fire," and their leader, William of Ypres, the lord of Kent, turned with weeping to a monastery in his own land. The feudal lords were forced to give up such castles and lands as they had wrongfully usurped; and the newly-created earls were deprived of titles which they had wrung from King or Empress in the civil wars.

The great nobles of both parties made a last effort at resistance. In the north the Count of Aumale ruled almost as king. He was of the House of Champagne, son of that Count Stephen who had once been set up as claimant to the English throne, and near kinsman both of Henry and of Stephen. He now refused to give up Scarborough Castle; behind him lay the armies of the Scot king, and if Aumale's rebellion were successful the whole north must be lost. A rising on the Welsh border marked the revival of the old danger of which Henry himself had had experience in the castle of his uncle, Robert of Gloucester, when the Empress and Robert, with his Welsh connections and alliances, had dominated the whole of the south-west. Hugh Mortimer, lord of Wigmore, Cleobury, and Bridgenorth, the most powerful lord on the Welsh border, and Roger, Earl of Hereford and lord of Gloucester, and connected by his mother with the royal house of Wales, prepared for war. Immediately after his crowning Henry hurried to the north, accompanied by Theobald, and forced Aumale to submission. The fear of him fell on the barons. Roger of Hereford submitted, and the earldom of Hereford and city of Gloucester were placed in Henry's hands.

The whole force of the kingdom was called out against Hugh Mortimer, and Bridgenorth, fortified fifty years before by Robert of Belesme, was reduced in July. The next year William of Waremne, the son of Stephen, gave up all his castles in England and Normandy, and the power of the House of Blois in the realm was finally extinguished. Hugh Bigod, Earl of Norfolk, was deprived of his fortresses, and the eastern counties were thus secured as those of the north and west had been.

The borders of the kingdom were now safe; its worst elements of disorder were suppressed; and the bishops and barons had taken an oath of allegiance to his son William, and in case of William's death to the infant Henry, born in February 1155. When Henry was called abroad in January 1156, he could safely leave the kingdom for a year in the charge of Queen Eleanor and of the justiciars. His return was marked by a new triumph. The death of David and the succession of his grandson Malcolm, a boy of twelve years old, gave opportunity for asserting his suzerainty over Scotland, and freeing himself from his oath made in 1149 at Carlisle to grant the land beyond the Tyne to David and his heirs for ever. Malcolm was brought to do homage to him at Chester in June 1157, and Northumberland and Cumberland passed into Henry's hands. Malcolm and his successor William followed him in his wars and attended at his courts, and whatever Henry's actual authority might be, in the eyes of his English subjects at least he ruled to the farthest borders of Scotland. He next turned to the settlement of Wales. The civil war had violently interrupted the peaceful processes by which Henry I. sought to bring the Welsh

under English law. The princes of Wales had practically regained their independence, while the Norman lords who had carved out estates for themselves along its borders, indignant at Stephen's desertion of them, and driven to provide for their own safety, had formed alliances by marriage with the native rulers. Henry had, in fact, to reconquer the country, and to provide safeguards against any military union between the feudal lords of the border and its hostile princes, Owen Gwynneth of the North, and Rhys ap-Gryffyth of the South. In 1157 he undertook the first of his three expeditions against Wales. His troops, however, unused to mountain warfare, had but ill success; and it was only when Henry had secured the castles of Flintshire, and gathered a fleet along the coast to stop the importation of corn that Owen was driven in August to do homage for his land. The next year he penetrated into the mountains of South Wales and took hostages from its ruler, Rhys-ap-Gryffyth; "the honour and glory and beauty and invincible strength of the knights; Rhys, the pillar and saviour of his country, the harbour and defender of the weak, the admiration and terror of his enemies, the sole pillar and hope of South Wales."

The triumph of the Angevin conqueror was now complete. The baronage lay crushed at his feet. The Church was silent. The royal authority had been pushed, at least in name, to the utmost limits of the island. The close of this first work of settlement was marked by a royal progress between September 1157 and January 1158 through the whole length of England from Malmesbury to Carlisle. It was the king's first visit to the northern shires which he had restored to

the English crown; he visited and fortified the most important border castles, and then through the bitter winter months he journeyed to Yorkshire, the fastnesses of the Peak, Nottingham, and the midland and southern counties. The progress ended at Worcester on Easter Day, 1158. There the king and queen for the last time wore their crowns in solemn state before the people. A strange ceremony followed. In Worcester Cathedral stood the shrine of St. Wulfstan, the last of the English bishops, the saint who had preserved the glory of the old English Church in the days of the Confessor, and carried it on through the troubled time of the Conquest, to whose supernatural resources the Conqueror himself had been forced to yield, and who had since by ever-ready miracle defended his city of Worcester from danger. On this shrine the king and queen now laid their crowns, with a solemn vow never again to wear them. To the people of the West such an act may perhaps have seemed a token that Henry came among them as heir of the English line of kings, and as defender of the English Church and people.

From England Henry was called away in August 1158, by the troubles of his dominions across the sea. The power of Anjou had been built up by centuries of tyranny, treason, and greed. Nantes had been robbed from Britanny, Tours had been wrested from Blois, the southern borderland from Poitou. A hundred years of feud with Maine could not lightly be forgotten. Normandy still cherished the ancient hatred of pirate and Frenchman. To the Breton, as to the Norman and the Gascon, the rule of Anjou was a foreign rule; and if they must have a foreign ruler, better the King of

France than these upstart Counts. Henry held his various states too by wholly different titles, and to every one of them his right was more or less disputed. To add to the confusion, his barons in every province held under him according to different customs and laws of feudal tenure; and many of them, moreover, owed a double allegiance, and did homage for part of their estates to Henry and for part to the King of France. In the general uncertainty as to every question of succession, or title, or law, or constitution, or feudal relations, the authority which had been won by the sword could be kept only by sheer military force. The rebellious array of the feudal nobles, eager to spring to arms against the new imperial system, could count on the help of the great French vassals along the border, jealous of their own independence, and ever watching the Angevin policy with vigilant hostility. And behind these princes of France stood the French king, Henry's suzerain lord and his most determined and restless foe, from whom the Angevin count had already taken away his wife and half his dominions, a foe to whom, however, through all the perplexed and intermittent wars of thirty years, he was bound by the indissoluble tie of the feudal relation, which remained the dominant and authoritative fact of the political morality of that day. For twenty years to come the two kings, both of them hampered by overwhelming difficulties, strove to avoid war each after his own fashion: Henry by money lavishly spent, and by wary diplomacy; Louis more economically by a restless cunning, by incessant watching of his adversary's weak points, by dexterously using the arms of Henry's rebellious subjects rather than those of Frenchmen.

Henry's first care was to secure his ill-defined and ill-defended frontier, and to recover those border fortresses which had been wrested from Geoffrey by his enemies. In Normandy the Vexin, which was the true military frontier between him and France, and commanded the road to Paris, had been lost. In Anjou he had to win back the castles which had fallen to the House of Blois. His brother Geoffrey, Earl of Nantes, was dead, and he must secure his own succession to the earldom. Two rival claimants were disputing the lordship of Britanny, but Britanny must at all costs be brought into obedience to Henry. There were hostile forces in Angoumois, La Marche, Saintonge, and the Limousin, which had to be finally destroyed. And besides all this, it was necessary to enforce Eleanor's rights over Berri, and her disputed claims to supremacy over Toulouse and Auvergne. Every one of these projects was at once taken in hand. Henry's chancellor, Thomas Becket, was sent from England in 1158 at the head of a splendid embassy to the French court, and when Henry landed in France the success of this mission was declared. A marriage was arranged between his little son Henry, now three years old, and Louis' daughter Margaret, aged six months; and the Vexin was to be restored to Normandy as Margaret's dowry. The English king obtained from Louis the right to judge as lord of Anjou and seneschal of France between the claimants to Britanny; his first entry into that province was with full authority as the officer of France, and the whole army of Normandy was summoned to Avranches to enforce his judgment. Conan was made Duke of Britanny under Henry's lordship, and Nantes was given up into his

hands. He secured by treaty with the House of Blois the fortresses which had fallen into their hands, and before the year was out he thus saw his inheritance in Anjou and Normandy, as he had before seen his inheritance in England, completely restored. In November he conducted the King of France on a magnificent progress through Normandy and Britanny, not now as a vassal requiring his help, but with all the pomp of an equal king.

Meanwhile Henry had been preparing an army to assert his sovereignty over Toulouse—a sovereignty which would have carried his dominions to the Mediterranean and the Rhone. The Count of St. Gilles, to whom it had been pledged by a former Duke of Aquitaine, and who had eighteen years before refused to surrender it on Eleanor's first marriage, now resisted the claims of her second husband also; and he was joined by Louis, who under the altered circumstances took a different view of the legal rights of Eleanor's husband to suzerainty. To France, indeed, the question was a matter of life and death. The success of Henry would have left her hemmed in on three sides by the Angevin dominions, cut off from the Mediterranean as from the Channel, with the lower Rhone in the hands of the powerful rival that already held the Seine, the Loire, and the Garonne. When, therefore, Henry's forces occupied the passes of the province, and in September 1159 closed round Toulouse itself, Louis threw himself into the city. Henry, profoundly influenced by the feudal code of honour of his day, inheriting the traditional loyalty of his house to the French monarchy, too sagacious lightly to incur war with France, too politic to weaken in the eyes of his own vassals the authority of

feudal law, and possibly mindful of the succession to the French throne which might yet pass through Margaret to his son Henry, refused to carry on war against the person of his suzerain. He broke up the siege in spite of the urgent advice of his chancellor Thomas; and for nearly forty years the quarrel lingered on with the French monarchy, till the question was settled in 1196 by the marriage of Henry's daughter Joanna to Count Raymond VI. Thomas, who had proved himself a mighty warrior, was left in charge of the newly-conquered Cahors, while Henry returned to Normandy, and concluded in May a temporary peace with Louis. His enemies, however, were drawn together by a common fear, and France became the battle ground of the rival ambitions of the Houses of Blois and Anjou. Louis allied himself with the three brothers of the House of Blois—the Counts of Champagne, of Sancerre, and of Blois—by a marriage with their sister only a month after the death of his own queen in September; and a joint attack was planned upon Henry. His answer was rapid and decisive. Margaret was in his keeping, and he at once married her to his son, took the Vexin into his own hands and fortified it with castles. His position in fact was so strong that he forced his enemies to a truce in June 1161.

The political complications with which Henry was surrounded were still further confused by a new question which now arose, and which was to threaten the peace of Europe for eighteen years. On the death of the English Pope, Hadrian IV., on the 1st of September 1159, two rivals, Alexander III. and Victor IV., disputed the see of Rome, and the strife between the Empire and the Papacy, now nearly one hundred years old, broke out afresh on a

far greater scale than in the time of Gregory. Frederick Barbarossa asserted the imperial right of judging between the rivals, and declared Victor pope, supported by the princes of the Empire and by the kings of Hungary, Bohemia, and Denmark. Alexander claimed the aid of the French king—the traditional defender of the Church and protector of the Popes; and after the strife had raged for nearly three years, he fled in 1162 to France. In the great schism Henry joined the side of Louis in support of Alexander and of the orthodox cause; the two kings met at Chouzy, near Blois, to do honour to the Pope; they walked on either side of his horse and held his reins. The meeting marked a great triumph for Alexander; the union of the Teutonic nations against the policy of Rome was to be delayed for three centuries and a half. It marked, too, the highest point of Henry's success. He had checked the Emperor's schemes; he had won the gratitude of both Louis and the Pope; he had defeated the plots of the House of Blois, and shown how easily any alliance between France and Champagne might be broken to pieces by his military power and his astute diplomacy. He had rounded off his dominions; he had conquered the county of Cahors; he had recovered the Vexin and the border castles of Fréteval and Amboise; the fiefs of William of Boulogne had passed into his hands on William's death; he was master of Nantes and Dol, and lord of Britanny; he had been appointed Protector of Flanders.

At this moment, indeed, Henry stood only second to the Emperor among the princes of Christendom, and his aim seems to have been to rival in some sort the Empire of the West, and to reign as an over-king, with

sub-kings of his various provinces, and England as one of them, around him. He was connected with all the great ruling houses. His eldest son was married to the daughter of the King of France ; the baby Richard, eighteen months old, was betrothed during the war of Toulouse to a daughter of the King of Aragon. He was himself a distant kinsman of the Emperor. He was head of the house of the Norman kings in Sicily. He was nearest heir of the kings of Jerusalem. Through his wife he was head of the house of Antioch, and claimed to be head of the house of Tripoli. Already in these first years of his reign the glory of the English king had been acknowledged by ambassadors from the Emperor, from the King of Jerusalem, from Norway, from Sweden, from the Moorish kings of Valencia and Murcia, bearing the gifts of an Eastern world—gold, silk, horses, and camels. England was forced out of her old isolation ; her interest in the world without was suddenly awakened. English scholars thronged the foreign universities ; English chroniclers questioned travellers, scholars, ambassadors, as to what was passing abroad. The influence of English learning and English statecraft made itself felt all over Europe. Never, perhaps, in all the history of England was there a time when Englishmen played so great a part abroad. English statesmen and bishops were set over the conduct of affairs in Provence, in Sicily, in Gascony, in Britanny, in Normandy. English archbishops and bishops and abbots held some of the highest posts in France, in Anjou, in Flanders, in Portugal, in Italy, in Sicily. Henry himself welcomed trained men from Normandy or Sicily or wherever he could find them, to help in his

work of administration; but in England foreigners were not greatly welcomed in any place of power, and his court was, with but one or two exceptions, made up of men who, of whatever descent they might be, looked on themselves as Englishmen, and bore the impress of English training. The mass of Englishmen meanwhile looked after their own affairs and cared nothing about foreign wars fought by Brabançon mercenaries, and paid for by foreign gold. But if they had nothing to win from all these wars, they were none the less at last drawn into the political alliances and sympathies of their master. Shut out as she was by her narrow strip of sea from any real concern in the military movements of the continental peoples, England was still dragged by the policy of her Angevin rulers into all the complications of European politics. The friendships and the hatreds of her king settled who were to be the allies and who the foes of England, and practically fixed the course of her foreign policy for seven hundred years. A traditional sympathy lingered on from Henry's days with Germany, Italy, Sicily, and Spain; but the connection with Anjou forced England into a hostility with France which had no real ground in English feeling or English interests. The national hatred took a deeper character when the feudal nobles clung to the support of the French king against the English sovereign and the English people; and when the origin of the quarrel had long been forgotten, and the causes that first gave it force had ceased to exist, the old enmity was still handed on from generation to generation, and after having left its mark on the political relations of the two countries through seven centuries, has not wholly lost its power in our own day.

CHAPTER III

THE GOVERNMENT OF ENGLAND

The building up of his mighty empire was not the only task which filled the first years of Henry's reign. Side by side with this went on another work of peaceful internal administration which we can but dimly trace in the dearth of all written records, but which was ultimately to prove of far greater significance than the imperial schemes that in the eyes of his contemporaries took so much larger proportions and shone with so much brighter lustre.

The restoration of outward order had not been difficult, for the anarchy of Stephen's reign, terrible as it was, had only passed over the surface of the national life and had been vanquished by a single effort. But the new ruler of England had to begin his work of administration not only amid the temporary difficulties of a general disorganization, but amid the more permanent difficulties of a time of transition, when society was seeking to order itself anew in its passage from the mediæval to the modern world; and his victory over the most obvious and aggressive forms of disorder was the least part of his task. Through all the time of anarchy powerful forces had been steadily at work with which the king had now to reckon. A new temper and new aspirations had been kindled by the troubles of the

last years. The deposition of Stephen, the elections of Matilda and of Henry, had been so many formal declarations that the king ruled by virtue of a bargain made between him and his people, and that if he broke his contract he justly forfeited his authority. The routine of silent and submissive councils had been broken through, and the earliest signs of discussion and deliberation had discovered themselves; while the Church, exerting in its assemblies an authority which the late king had helplessly laid down, formed a new and effective centre of organized resistance to tyranny in the future. Even the rising towns had seized the moment when the central administration was paralysed to extend their own privileges, and to acquire large powers of self-government which were to prove the fruitful sources of liberty for the whole people.

We see everywhere, in fact, signs of the great contest which in one form or another runs through the whole of the twelfth century, and gives its main interest in our eyes to the English history of the time,—the struggle between the iron organization of mediæval feudalism and those nascent forces of modern civilization which were fated in the end to shatter and supersede it. In spite of the cry of lamentation which the chroniclers carry down to us over the misery of a land stricken by plague and famine and rapine, it is still plain that even through the terrible years of Stephen's reign England had its share in the universal movement by which the squalor and misery of the Middle Ages were giving place to a larger activity and a better order of things. A class unknown before was fast growing into power,—the middle class of burghers and traders,

who desired above all things order, and hated above all things the mediæval enemy of order, the feudal lord. Merchant and cultivator and wool-grower found better work ready to their hand than fighting, and the appearance of mercenary soldiers marked everywhere the development of peaceful industries. Amid all the confusion of civil war the industrial activities of the country had developed with a bewildering rapidity; while knights and barons led their foreign hirelings to mutual slaughter, monks and canons were raising their religious houses in all the waste places of the land, and silently laying the foundations of English enterprise and English commerce. To the great body of the Benedictines and the Cluniacs were added in the middle of the twelfth century the Cistercians, who founded their houses among the desolate moorlands of Yorkshire in solitary places which had known no inhabitants since the Conqueror's ravages, or among the swamps of Lincolnshire. A hundred and fifteen monasteries were built during the nineteen years of Stephen's reign, more than had been founded in the whole previous century; a hundred and thirteen were added to these during the reign of Henry. In half a century sixty-four religious houses were built in Yorkshire and Lincolnshire alone. Monastery and priory, in which the decorated Romanesque was giving way to the first-pointed architecture, towered above the wretched mud-hovels in which the whole of the population below the class of barons crowded; their churches were distinguished by the rare and novel luxury of glass windows, which, as they caught the red light of the setting sun, startled the peasant with omens of coming ill. Multitudes of men

were busied in raising the vast pile of buildings which made up a religious house,—cloisters, dormitories, chapels, hospitals, granaries, barns, storehouses, whose foundations when all else is gone still show in the rugged surface of some modern field. Regular and secular clergy were alike spurred on in their work by jealous rivalry. Archbishop Roger of York was at the opening of Henry's reign building his beautiful church at Ripon, of whose rich decoration traces still remain, while he gave scant sympathy and encouragement to the Cistercian monks still busy with the austere mass of buildings which they had raised at Fountains almost within sight of the Ripon towers.

We may gain some faint idea of the amazing stir and industry which the founding of these monasteries implied by following in our modern farms and pasture lands the traces which may even now be seen of the toil of these great preachers of labour. The whole water supply of a countryside for miles round was gathered up by vast drainage works; stagnant pools were transformed into running waters closed in by embankments, which still serve as ditches for the modern farmer; swamps were reclaimed that are only now preserved for cultivation by maintaining the dykes and channels first cut by mediæval monks; mills rose on the banks of the newly-created streams; roads were made by which the corn of surrounding villages might be carried to the central mill and the produce of the land brought to the central storehouse. The new settlers showed a measureless cunning and industry in reclaiming worthless soil; and so eager were they for land at last, that the Cistercians were even said to

desecrate churchyards, and to encroach on the borders of royal forests. They grew famous for the breeding of horses according to the exacting taste of the day, learned in the various species of palfreys and sumpter horses and knight's chargers and horses for ambling or for trotting. They thanked Heaven for the "blessings of fatness and fleeces," as foreign weavers sought their wool and the gold of Flanders was poured into their treasure-houses. The same enterprise and energy which in modern days made England the first manufacturing country of the world was then, in fact, fast pressing her forward to the place which Australia now holds towards modern Europe,—the great wool-growing country, the centre from whence the raw material for commerce was supplied. In vain the Church by its canons steadily resisted the economic changes of a time when wealth began to gather again and capital found new uses, and bitterly as it declaimed against usury and mortgages, angry complaints still increased "that many people laying aside business practised usury almost openly."

Nor were the towns behindhand in activity. As yet, indeed, the little boroughs were for the most part busy in fighting for the most elementary of liberties—for freedom of trade within the town, for permission to hold a market, for leave to come and go freely to some great fair, for the right to buy and sell in some neighbouring borough, for liberty to carry out their own justice and regulate the affairs of their town. They were buying from the lord, in whose "demesne" they lay, permission to gather wood in the forest, right of common in its pasture, the commutation of their services in harvest-time for "reap-silver," and of their bondage to the lord's

mill for "multure-penny." Or they were fighting a sturdy battle with the king's justices to preserve some ancient privilege, the right of the borough perhaps to "swear by itself,"—that is, to a jury of its own—or its freedom from the general custom of "frank-pledge." As trade advanced commercial bodies grew up in the boroughs and formed themselves into gilds; and these gilds gradually drew into their own hands the government of the town, which in old days had been decided by the general voice of the whole body of its burghers—that is, of those who held land within its walls. The English borough began, in fact, to resemble the foreign "Commune." Gilds of bakers, of weavers, of mercers, of fullers, of butchers, goldsmiths, pepperers, clothiers, and pilgrims appeared in London, York, Gloucester, Nottingham, even in little boroughs such as that of St. Edmunds; while in distant Cornwall, Totnes, Lidford, and Bodmin set up their gilds. How Henry regarded the movement it is hard to say. The gilds had to pay, as everything had to pay, to the needy Treasury; but otherwise they were not interfered with, and went on steadily increasing in power and numbers.

Prosperity brought with it the struggle for supremacy, and the history of nations was rehearsed on a petty stage, with equal passions if with less glory. A thriving village or township would begin to encroach on the common land of its weaker neighbours, would try to seize some of its rights of pannage in the forest, or fishing in the stream. But its most strenuous efforts were given to secure the exclusive right of trading. Free trade between village and village in England was then, in fact, as much unknown as free trade at this

day between the countries of modern Europe. Producer, merchant, manufacturer saw in "protection" his only hope of wealth or security. Jealously enclosed within its own borders, each borough watched the progress of its neighbours with anxious suspicion. If one of them dared defiantly to set up a right to make and sell its own bread and ale, or if it bought a charter granting the right to a market, it found itself surrounded by foes. The new market was clearly an injury to the rights of a neighbouring abbot or baron or town-gild, or it lessened the profits of the "king's market" in some borough on the royal demesne. Then began a war, half legal, half of lawless violence. Perhaps the village came off victorious, and kept its new market on condition that it should never change the day without a royal order (unless in deference to the governing religious feeling of the time, it should change it from Sunday to a week-day). Perhaps, on the other hand, it saw its charter vanish, and all the money it had cost with it, its butchers' and bakers' stalls shattered, its scales carried off, its ovens destroyed, the "tumbril" for the correction of fraudulent baker or brewer destroyed. Of such a strife we have an instance in the fight which the burghers of Wallingford carried on with their neighbours. They first sought to crush the rising prosperity of Abingdon by declaring that its fair was an illegal innovation, and that in old days nothing might be sold in the town save bread and ale. Oxford, which had had a long quarrel with Abingdon over boat-cargoes and river-tolls, readily joined in the attack; but ultimately by the king's judgment Abingdon was declared to have had right to a "full market," and

Wallingford was discomfited. A little later its wrath was kindled afresh by the men of Crowmarsh, who, instead of coming to the Wallingford market, actually began to make their own bread and ale—by what warrant no one knew, said the Wallingford bakers and brewers. Crowmarsh held out through the later years of Henry's reign and Richard's, had a sore struggle under John, and at last under Henry III. saw the officers of justice come down upon them a second time, and make a general wreck of ovens and "tumbril," while the weights were carried off to triumphant Wallingford.

But if an era of industrial activity had opened, the new intellectual impulse of the time was yet more striking. Great forces had everywhere worked together under the one name of the Church: the ecclesiastical organization which was represented in Rome, in the Episcopate, and in the Canon law; the democratic monachism; the intellectual temper with its pursuit of pure knowledge; the religious mystical spirit which was included in all the rest and yet separate from them. But other elements than these were at work in the twelfth century,—the literary and historic movement, the legal revival, the new scepticism, the spirit of wide imperialism, the romantic impulse. Education had up to this time been wholly undertaken by the Church. The work of teaching had been one of the main objects of the cathedral; the school and its chancellor were as essential parts of the foundation as dean or precentor. No rivals to the cathedral schools existed save those of the monasteries, and education naturally bore the impress given to it in these great institutions; profane learning

was only valued so far as it could be used to illustrate the Bible, and the ordinary teaching was almost wholly founded on four or five authors, who wrote when the struggle of the Empire against the barbarians was almost over, and who represented the last efforts of a learning which was ready to vanish. The monastic libraries show how narrow was the range of reading. The great monastery of Bec had about fifty books. At Canterbury the library of Christ Church, which a century later possessed seven hundred volumes, had at this time but a hundred and fifty. Its single Greek work was a grammar; and if it could boast of a copy of the Institutes of Justinian, it did not yet possess a single book of civil law, not even Gratian's *Decretum*. The age of Universities, however, had now begun, and English scholars went abroad in numbers to study law at Bologna and the Italian universities, or to learn philosophy and the arts at Paris, or at some of the less costly schools in Gaul. On all sides they met with the stir of political and religious speculation. The crusades and the intercourse with the East had broken down the boundaries between Christian and Mohammedan thought; the Jews were teaching science and medicine, and had just brought from the East the philosophy of Aristotle. France struck the first note of a new literature in her chronicles, her national poems, and the songs of her troubadours. All Paris was ringing with the struggle of Abelard and St. Bernard. At its university Peter Lombard was preparing to publish his *Sentences*, which were to form the framework for the dogmatic theology of centuries to come. New theories of liberty were quickened by classical studies which made men

familiar with the heroes of Greece and Rome. Abelard's disciple, Arnold of Brescia, was preaching his theory of political and religious freedom; civil government was to return to the old republican forms of ancient Rome, and the clergy were to be separated from all secular jurisdiction. In Lombardy the growth of wealth, population, and trade, demanded a more developed jurisprudence, and a new study had sprung up of Roman law. Bolognese lawyers lectured on the Pandects of Justinian, and by their work the whole legal education of the day was transformed; old prejudices and old traditions lost the authority which had long hedged them about, and the new code threatened to destroy everywhere the imperfect systems of the past with which it came in contact. The revival of the study of civil law was followed by a new scientific study of Canon law; and a recognized code was for the first time developed, as well as a minute system of legal procedure, when Gratian published in 1151 the *Decretum*, a great text-book of ecclesiastical law.

Amid all the intellectual activity which surrounded the English students abroad it is, curious to note what they carried home with them across the Channel, and what they left simply untouched. The zeal for learning quickly showed itself in the growth of the Universities. As early as 1133 Robert Pulleyn was teaching Latin at Oxford. In 1149 Archbishop Theobald brought to it Master Vacarius, a famous Lombard lawyer, who lectured on the Civil law until he was expelled by Stephen, half fearful of the new teaching and half influenced by the pressure of the older and more conservative of the English bishops. There was much of the foreign move-

ment, however, which found no place in England. Difference of tongue shut out Norman and Englishman from the influence of the new Provençal poetry, and for a century to come England owed nothing to the finished art of the South. The strip of sea which kept aloof all European tumults shut out also the speculations in politics and government which were making their way abroad. Even the religious movement which overran one half of France under the Albigenses, or that which counted its followers and martyrs by multitudes in Flanders never crossed the Channel, in spite of the constant intercourse between the peoples; and missionaries from Germany during the reign of Henry only succeeded in converting one poor woman in England who immediately recanted. It was in other directions that the energies of the people found their exercise. If Englishmen were heedless of foreign philosophers, they were quick to notice that the fruit of the vine had failed, and forthwith the unheard-of novelty of taverns where beer and mead were sold sprang up in France, probably by the help of those English traders whose beer was the marvel of Frenchmen.

It was these new conditions of the national life which constituted the real problem of government—a problem far more slow and difficult to work out than the mere suppression of a turbulent baronage. In the rapid movement towards material prosperity, the energies of the people were in all directions breaking away from the channels and limits in which they had been so long confined. Rules which had been sufficient for the guidance of a simple society began to break down under the new fulness and complexity of the national life, and the simple decisions by which questions of property and

public order had been solved in earlier times were no longer possible. Moreover, a new confusion and uncertainty had been brought into the law in the last hundred years by the effort to fuse together Norman and English custom. Norman landlord or Norman sheriff naturally knew little of English law or custom, and his tendency was always to enforce the feudal rules which he practised on his Norman estates. In course of time it came about that all questions of land-tenure and of the relations of classes were regulated by a kind of double system. The Englishman as well as the Norman became the "man" of his lord as in Norman law, and was bound by the duties which this involved. On the other hand, the Norman as well as the Englishman held his land subject to the customary burdens and rights recognized by English law. Both races were thus made equal before the law, and no legal distinction was recognized between conqueror and conquered. There was, however, every element of confusion and perplexity in the theory and administration of the law itself, in the variety of systems which were contending for the mastery, and in the inefficiency of the courts in which they were applied. English law had grown up out of Teutonic custom, into which Roman tradition had been slowly filtering through the Dark Ages. Feudal law still bore traces of its double origin in the system of the Teutonic "comitatus" and of the Roman "beneficium." Forest law, which governed the vast extent of the king's domains, was bound neither by Norman forms nor by English traditions, but was framed absolutely at the king's will. Canon law had been developed out of customs and precedents which had served to regulate

the first Christian communities, and which had been largely formed out of the civil law of Rome. There was a multitude of local customs which varied in every hundred and in every manor, and which were preserved by the jealousy that prevailed between one village and another, the strong sense of local life and jurisdiction, and the strict adherence to immemorial traditions.

These different codes of law were administered in various courts of divers origins. The tenant-in-chief of the king who was rich enough had his cause carried to the King's Court of barons, where he was tried by his peers. The poorer vassals, with the mass of the people, sought such justice as was to be had in the old English courts, the Shire Court held by the sheriff, and, where this survived, the Hundred Court summoned by the bailiff. The lowest orders of the peasant class, shut out from the royal courts, could only plead in questions of property in the manor courts of their lords. The governing bodies of the richer towns were winning the right to exercise absolute jurisdiction over the burghers within their own walls. The Forest courts were held by royal officers, who were themselves exempt from all jurisdiction save that of the king. And under one plea or another all men in the State were liable for certain causes to be brought under the jurisdiction of the newly-established Church courts. This system of conflicting laws was an endless source of perplexity. The country was moreover divided into two nationalities, who imperfectly understood one another's customary rights; and it was further broken into various classes which stood in different relations to the law. Those who had sufficient property were not only deemed

entirely trustworthy themselves, but were also considered answerable for the men under them; a second class of freeholders held property sufficient to serve as security for their own good behaviour, but not sufficient to make them pledges for others; there was a third and lower class without property, for whose good conduct the law required the pledge of some superior. In a state of things so complicated, so uncertain and so shifting, it is hard to understand how justice can ever have been secured; nor, indeed, could any general order have been preserved, save for the fact that these early courts of law, having all sprung out of the same conditions of primitive life, and being all more or less influenced and so brought to some common likeness by the Roman law, did not differ very materially in their view of the relations between the subjects of the State, and fundamentally administered the same justice. Until this time too there had been but little legal business to bring before the courts. There was practically no commerce; there was little sale of land; questions of property were defined within very narrow limits; a mass of contracts, bills of exchange, and all the complicated transactions which trade brings with it, were only beginning to be known. As soon, however, as industry developed, and the needs of a growing society made themselves felt, the imperfections of the old order became intolerable. The rude methods and savage punishments of the law grew more and more burdensome as the number of trials increased; and the popular courts were found to be fast breaking down under the weight of their own ignorance and inefficiency.

The most important of these was the Shire Court.

It still retained its old constitution: it preserved some tradition of a tribunal where the king was not the sole fountain of justice, and the memory of a law which was not the "king's law." It administered the old customary English codes, and carried on its business by the old procedure. There came to it the lords of the manors with their stewards, the abbots and priors of the county with their officers, the legal men of the hundreds who were qualified by holding property or by social freedom, and from every township the parish priest, with the reeve and four men, the smiths, farmers, millers, carpenters, who had been chosen in the little community to represent their neighbours; and along with them stood the pledges, the witnesses, the finders of dead bodies, men suspected of crime. The court was, in fact, a great public meeting of the whole county; there was no rank or order which did not send some of its number to swell the confused crowd that stood round the sheriff. The criminal was generally put on his trial by accusation of an injured neighbour, who, accompanied by his friends, swore that he did not bring his charge for hatred, or for envy, or for unlawful lust of gain. The defendant claimed the testimony of his lord, and further proved his innocence by a simple or threefold compurgation—that is, by the oath of a certain number of freemen among his neighbours, whose property gave them the required value in the eye of the law, and who swore together as "compurgators" that they believed his oath of denial to be "clean and unperjured." The faith of the compurgator was measured by his landed property, and the value of the joint-oath which was required depended on a most intricate and baffling set of arithmetical cal-

culations, and differed according to the kind of crime, the rank of the criminal, and the amount of property which was in dispute, besides other differences dependent on local customs. Witnesses might also be called from among neighbours who held property and were acquainted with the facts to which they would "dare" to swear. The final judgment was given by acclamation of the "suitors" of the court—that is, by the owners of property and the elected men of the hundreds or townships; in other words, by the public opinion of the neighbourhood. If the accused man were of bad character by common report, or if he could find no friends to swear in his behalf, "the oath burst," and there remained for him only the ordeal or trial by battle, which he might accept or refuse at his own peril. In the simple ordeal he dipped his hand in boiling water to the wrist, or carried a bar of redhot iron three paces. If in consequence of his lord's testimony being against him the triple ordeal was used, he had to plunge his arm in water up to the elbow, or to carry the iron for nine paces. If he were condemned to the ordeal by water, his death seems to have been certain, since sinking was the sign of innocence, and if the prisoner floated he was put to death as guilty. The other alternative, trial by battle, which had been introduced by the Normans, was extremely unpopular in England; it told hardly against men who were weak or untrained to arms, or against the man of humble birth, who was allowed against his armed opponent neither horse nor the arms of a knight, but simply a leathern jacket, a shield of leather or wood, and a stick without knots or points.

At the beginning of the reign of Henry II. the Shire

courts seem to have been nearly as bad as they could be. Scarcely any attempt had been made, perhaps none had till now been greatly needed, to improve a system which had grown up in a dim and ruder past. The Norman kings, indeed, had introduced into England a new method of deciding doubtful questions of property by the "recognition" of sworn witness instead of by the English process of compurgation or ordeal. Twelve men, who must be freemen and hold property, were chosen from the neighbourhood, and as "jurors" were sworn to state truly what they knew about the question in dispute, and the matter was decided according to their witness or "recognition." If those who were summoned were unacquainted with the facts, they were dismissed and others called; if they knew the facts but differed in their statement, others were added to their number, till twelve at least were found whose testimony agreed together. These inquests on oath had been used by the Conqueror for fiscal purposes in the drawing up of Doomsday Book. From that time special "writs" from king or justiciar were occasionally granted, by which cases were withdrawn from the usual modes of trial in the local courts, and were decided by the method of recognition, which undoubtedly provided a far better chance of justice to the suitor, replacing as it did the rude appeal to the ordeal or to battle by the sworn testimony of the chosen representatives, the good men and true, of the neighbourhood. But the custom was not yet governed by any positive and inviolable rules, and the action of the King's Court in this respect was imperfectly developed, uncertain, and irregular.

It is scarcely possible, indeed, to estimate the difficul-

ties in the way of justice when Henry came to the throne. The wretched freeholders summoned to the Shire Court from farm and cattle, from mill or anvil or carpenter's bench, knew well the terrors of the journey through marsh and fen and forest, the dangers of flood and torrent, and perhaps of outlawed thief or murderer, the privations and hardships of the way; and the heavy fines which occur in the king's rolls for non-attendance show how anxiously great numbers of the suitors avoided joining in the troublesome and thankless business of the court. When they reached the place of trial a strange medley of business awaited them as questions arose of criminal jurisdiction, of feudal tenure, of English "sac and soc," of Norman franchises and Saxon liberties, with procedure sometimes of the one people, sometimes of the other. The days dragged painfully on as, without any help from trained lawyers, the "suitors" sought to settle perplexed questions between opposing claims of national, provincial, ecclesiastical, and civic laws, or made arduous journeys to visit the scene of some murder or outrage, or sought for evidence on some difficult problem of fact. Evidence, indeed, was not easy to find when the question in dispute dated perhaps from some time before the civil war and the suppression of the sheriff's courts, for no written record was ever kept of the proceedings in court, and everything depended on the memory of witnesses. The difficulties of taking evidence by compurgation increased daily. A method which centuries before had been successfully applied to the local crimes of small and stationary communities bound together by the closest ties of kinship and of fellowship in possession

of the soil, when every transaction was inevitably known to the whole village or township, became useless when new social and industrial conditions had destroyed the older and simpler modes of life. The procedure of the courts was antiquated and no longer guided by consistent principles. Their modes of trial were so cumbrous, formal, and inflexible that it was scarcely possible to avoid some minute technical mistake which might invalidate the final decision.

The business of the larger courts, too, was for the most part carried on in French under sheriff, or bailiff, or lord of the manor. The Norman nobles did not know Latin, they were but gradually learning English; the bulk of the lesser clergy perhaps spoke Latin, but did not know Norman; the poorer people spoke only English; the clerk who from this time began to note down the proceedings of the king's judges in Latin must often have been puzzled by dialects of English strange to him. When each side in a trial claimed its own customary law, and neither side understood the speech of the other, the president of the court had every temptation to be despotic and corrupt, and the interpreter between him and his suitors became an important person who had much influence in deciding what mode of procedure was to be followed. The sheriff, often holding a hereditary post and fearing therefore no check to his despotism, added to the burden of the unhappy freeholders by a custom of summoning at his own fancy special courts, and laying heavy fines on those who did not attend them. Even when the law was fairly administered there was a growing number of cases in which the rigid forms of the court actually in-

flicted injustice, as questions constantly arose which lay far outside the limits of the old customary law of the Germanic tribes, or of the scanty knowledge of Roman law which had penetrated into other codes. The men of that day looked too often with utter hopelessness to the administration of justice; there was no peril so great in all the dangers that surrounded their lives as the peril of the law; there was no oppression so cruel as the oppression wrought by the harsh and rigid forms of the courts. From such calamities the miserable and despairing victims could look for no help save from the miraculous aid of the saints; and society at that time, as indeed it has been known to do in later days, was for ever appealing from the iniquity of law to God,—to a God who protected murderers if they murdered Jews, and defended robbers if they plundered usurers, who was, indeed, above all law, and was supposed to distribute a violent and arbitrary justice, answering to the vulgar notion of an equity unknown on earth.

We catch a glimpse of a trial of the time in the story of a certain Ailward, whose neighbour had refused to pay a debt which he owed him. Ailward took the law into his own hands, and broke into the house of his debtor, who had gone to the tavern and had left his door fastened with the lock hanging down outside, and his children playing within. Ailward carried off as security for his debt the lock, a gimlet, and some tools, and a whetstone which hung from the roof. As he sauntered home, however, his furious neighbour overtook him, having heard from the children what had been done. He snatched the whetstone from Ailward's hand and dealt him a blow on the head with it,

stabbed him in the arm with a knife, and then triumphantly carried him to the house which he had robbed, and there bound him as "an open thief" with the stolen goods upon him. A crowd gathered round, and an evil fellow, one Fulk, the apparitor, an underling of the sheriff employed to summon criminals to the court, remarked that as a thief could not legally be mutilated unless he had taken to the value of a shilling, it would be well to add a few articles to the list of stolen goods. Perhaps Ailward had won ill-fame as a creditor, or even, it may be, a money-lender in the village, for his neighbours clearly bore him little goodwill. The crowd readily consented. A few odds and ends were gathered—a bundle of skins, gowns, linen, and an iron tool,—and were laid by Ailward's side; and the next day, with the bundle hung about his neck, he was taken before the sheriff and the knights, who were then holding a Shire Court. The matter was thought doubtful; judgment was delayed, and Ailward was made fast in Bedford jail for a month, till the next county court. There the luckless man sent for a priest of the neighbourhood, and confessing his sins from his youth up, he was bidden to hope in the prayers of the blessed Virgin and of all the saints against the awful terrors of the law, and received a rod to scourge himself five times daily; while through the gloom shone the glimmer of hope that having been baptized on the vigil of Pentecost, water could not drown him nor fire burn him if he were sent to the ordeal. At last the month went by and he was again carried to the Shire Court, now at Leighton Buzzard. In vain he demanded single combat with Fulk, or the ordeal by fire; Fulk, who had been bribed

with an ox, insisted on the ordeal of water, so that he should by no means escape. Another month passed in the jail of Bedford before he was given up to be examined by the ordeal. Whether he underwent it or whether he pleaded guilty when the judges met is uncertain, but however this might be, "he received the melancholy sentence of condemnation; and being taken to the place of punishment, his eyes were pulled out and he was mutilated, and his members were buried in the earth in the presence of a multitude of persons."

Nor was there for the mass of the people any real help or security to be found in an appeal to the supreme tribunal of the realm where the king sat in council with his ministers. This still remained a tribunal of exceptional resort to which appeals were rare. There was one Richard Anesty, who, in these first years of Henry's reign, desired to prove in the King's Court his right to hold a certain property. For five years Richard, his brother, and a multitude of helpers, were incessantly busied in this arduous task. The court followed the king, and the king might be anywhere from York to the Garonne. The unhappy suitor might well have joined in a complaint once made by a secretary of Henry in search of his master: "Solomon saith there be three things difficult to be found out, and a fourth which may hardly be discovered: the way of an eagle in the air; the way of a ship in the sea; the way of a serpent on the ground; and the way of a man in his youth. I can add a fifth: the way of a king in England." The whole business now done by post had then to be carried on by laborious journeyings, in which we hear again and again that horses died on the road; if a

writ were needed from king or queen, if the royal seal were required, or a certificate from a bishop, or a letter from an archbishop, special messengers posted across country; then the writ must be carried in the same way to York, Lincoln, or elsewhere to be examined by some famous lawyer, sometimes an Italian learned in the last legal fashions of the day; perhaps it was pronounced faulty, or it might be that the seal of justiciar or archbishop was refused on its return from the lawyer, and the same business had to begin all over again; twice messengers had to be sent to Rome, the journey each way taking at least forty days of incessant and dangerous travelling. When at last the appointed day for judgment by the justiciar came, friends, helpers, and witnesses had to be called together in the same laborious way, and transported at great cost to the place of trial, and there kept waiting till news was brought that the plea could not then be heard; and thus again and again the luckless suitor was summoned, each time to a different town in England. In every town he was forced by his necessities to borrow money from some Jew, who demanded about eighty-seven per cent for the loan; and when at last, as Richard was worn out with the delays of justiciars, Henry appeared on the scene, and, "thanks to our lord the king," the land was adjudged to the suitor, he had to raise fresh money to fee the lawyers, the bishop's staff, the officers of the King's Court, the king's physicians, the king and queen, besides the sums which must be given to his helpers and pleaders. The end of the story leaves him mournfully counting up a long list of Jewish creditors, who bid fair to exhaust the profits of his new possessions.

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Such were in brief outline some of the difficulties which made order and justice hard to win. Society was helpless to protect itself: news spread slowly, the communication of thought was difficult, common action was impossible. Amid all the shifting and half understood problems of mediæval times there was only one power to which men could look to protect them against lawlessness, and that was the power of the king. No external restraints were set upon his action; his will was without contradiction. The mediæval world with fervent faith believed that he was the very spring and source of justice. In an age when all about him was changing, and when there was no organized machinery for the administration of law, the king had himself to be judge, lawgiver, soldier, financier, and administrator; the great highways and rivers of the kingdom were in "his peace;" the greater towns were in his demesne; he was guardian of the poor and defender of the trader; he was finance minister in a society where economic conditions were rapidly changing; he represented a developed system of law as opposed to the primitive customs of feud and private war; he was the only arbiter of questions that grew out of the new conflict of classes and interests; he alone could decree laws at his absolute will and pleasure, and could command the power to carry out his decrees; there was not even a professional lawyer who was not in his court and bound to his service.

Henry saw and used his opportunity. Even as a youth of twenty-one he assumed absolute control in his courts with a knowledge and capacity which made him fully able to meet trained lawyers, such

as his chancellor, Thomas, or his justiciar, De Lucy. Cool, businesslike, and prompt, he set himself to meet the vast mass of arrears, the questions of jurisdiction and of disputed property, which had arisen even as far back as the time of Henry I., and had gone unsettled through the whole reign of Stephen, to the ruin and havoc of the lands in question. He examined every charter that came before him; if any was imperfect he was ready to draw one up with his own hand; he watched every difficult point of law, noted every technical detail, laid down his own position with brief decision. In the uncertain and transitional state of the law the king's personal interference knew scarcely any limits, and Henry used his power freely. But his unswerving justice never faltered. Gilbert de Bailleul, in some claim to property, ventured to make light of the charter of Henry I., by which it was held. The king's wrath blazed up. "By the eyes of God," he cried, "if you can prove this charter false, it would be worth a thousand pounds to me! If," he went on, "the monks here could present such a charter to prove their possession of Clarendon, which I love above all places, there is no pretence by which I could refuse to give it up to them!"

It is hard to realise the amazing physical endurance and activity which was needed to do the work of a mediæval king. Henry was never at rest. It was only by the most arduous labour, by travel, by readiness of access to all men, by inexhaustible patience in weighing complaint and criticism, that he learned how the law actually worked in the remotest corners of his land. He was scarcely ever a week in the same place; his life in

England was spent in continual progresses from south to north, from east to west. The journeyings by rough trackways through "desert" and swamp and forest, through the bleak moorlands of the Pennine Hills, or the thickets and fens that choked the lower grounds, proved indeed a sore trial for the temper of his courtiers; and bitter were the complaints of the hardships that fell to the lot of the disorderly train that swept after the king, the army of secretaries and lawyers, the mail-clad knights and barons followed by their retainers, the archbishop and his household, bishops and abbots and judges and suitors, with the "actors, singers, dicers, confectioners, huxters, gamblers, buffoons, barbers, who diligently followed the court." Knights and barons and clerks, accustomed to the plenty and comfort of palace and castle, found themselves at the mercy of every freak of the king's marshals, who on the least excuse would roughly thrust them out into the night from the miserable hut in which they sought shelter and cut loose their horses' halters, and whose hearts were hardly softened by heavy bribes. They were often half-starved; if food was to be had at all, it was at the best stale fish, sour beer and wine, coarse black bread, and meat scarcely eatable, even with the rough appetite of travellers of that age. Matters were made ten times worse by Henry's mode of travelling. "If the king has proclaimed that he intends to stop late in any place, you may be sure that he will start very early in the morning, and with his sudden haste destroy every one's plans. It often happens that those who have let blood or taken medicine are obliged at the hazard of their lives to follow. You will see men running about like

mad; urging forward their pack-horses, driving their waggons into one another, everything in confusion, as if hell had broken loose. Whereas, if the king has given out that he will start early in the morning, he will certainly change his mind, and you may be sure he will snore till noon. You will see the pack-horses drooping under their loads, waggons waiting, drivers nodding, tradesmen fretting, all grumbling at one another. Men hurry to ask the loose women and the liquor retailers who follow the court when the king will start; for these are the people who know most of the secrets of the court." Sometimes, on the other hand, when the din of the camp was silenced for a while in sleep, a sudden message from the royal lodging would again set all in commotion. A wild clatter of horsemen and footmen would fill the darkness. The stout pack-horses, probably borrowed from a neighbouring monastery to carry the heavy Rolls in which state business was chronicled, were hastily laden. Baggage of every kind was slung across the backs of horses, or stowed into cumbrous two-wheeled waggons made of rough planks, or of laths covered with twisted osiers, which had been seized from farmer or peasant for the king's journey. The forerunners pushed on in front to give notice of the king's arrival, and in the dim morning light the motley train of riders at last crowded along the narrow trackway, followed heavily by the waggons dragged by single file of horses, which too often foundered in the muddy hollows, or half-plunged into the torrents through rents and chasms in the low, narrow bridges that threatened at every instant to crumble away under the strain. But before the weary day's journey was over the king would suddenly

change his mind, stop short of the town towards which all were toiling in hope of food and shelter, and turn aside to some spot in the woods where there was perhaps a solitary hut and food only for himself: "And I believe, if I dare to say so, that he took delight in our distresses," groans the poor secretary as he pictures the knights wandering by twos and threes in the thickets, separated in the darkness from their followers, and drawing their swords one against another in furious strife for the possession of some shelter for which pigs would scarcely have quarrelled. "Oh, Lord God Almighty," he ends, "turn and convert the heart of the king from this pestilent habit, that he may know himself to be but man, and that he may show a royal mercy and human compassion to those who are driven after him not by ambition but by necessity."

But at whatever inconvenience to his courtiers Henry carried out his own purposes, and kept pace with the enormous mass of business that came to him. In all his hurried journeys we see busy royal clerks scribbling away at each halt charters, grants, letters patent and letters close, the king too fighting, riding, dictating, signing, sometimes dating his letters from three places on the same day. A travelling king such as this was well known to all his people. He was no constitutional fiction, but a living man; his character, his look and presence, his oaths and jests, his wrath, all were noted and talked over; the chroniclers who followed his court with their gossip and their graver news spread the knowledge of his doings. A new sense of law and justice grew up under a sovereign who himself journeyed through the length and breadth of the land, subduing the

unruly, hearing pleas, revising unjust sentences, drawing up charters with his own hand, setting the machinery of government to work from end to end of England. More than this, the king himself had learned to know his people. He had seen for himself the castles of the barons, the huts of the peasants, the little villages in the clearings: he had seen the sheriff sitting in the shire court, the lord of the manor doing justice in his "hall-moot," the bishop and archdeacon dispensing the law in the church courts. By his sudden journeys, his unexpected movements and rapid change of plans, he arrived at the very moment and the very place where no one looked for him; nothing was safe from his eye and ear: no false sheriff or rebellious lord could be sure when his terrible master might be at his doors. Foreigner as the king was, there was soon no Englishman who knew the affairs of his kingdom so well. His penetrating curiosity, his wide experience, his practised judgment, rapidly made him one of the most sagacious administrators and wisest legislators that ever guided England in a very critical moment of her history; and when he finally drew up his system of reform there was not a single point of principle in it from which he or his successors found it necessary afterwards to draw back.

CHAPTER IV

THE FIRST REFORMS

HENRY began his work of reorganization by taking up the work which his grandfather had begun — that of replacing the mere arbitrary power of the sovereign by a uniform system of administration, and bringing into order the various conflicting authorities which had been handed down from ancient times, royal courts and manor courts, church courts, shire courts, hundred courts, forest courts, and local courts in special franchises, with all their inextricable confusion of law and custom and procedure. Under Henry I. two courts, the *Exchequer* and the *Curia Regis*, had control of all the financial and judicial business of the kingdom. The Exchequer filled a far more important place in the national life than the Curia Regis, for the power of the king was simply measured by the state of the treasury, when wars began to be fought by mercenaries, and justice to be administered by paid officials. The court had to keep a careful watch over the provincial accounts, over the moneys received from the king's domains, and the fines from the local courts. It had to regulate changes in the mode of payment as the use of money gradually replaced the custom of payments in kind. It had to watch alterations in the ownership and cultivation of land, to modify the settle-

ment of Doomsday Book so as to meet new conditions, and to make new distribution of taxes. There was no class of questions concerning property in the most remote way which might not be brought before its judges for decision. Twice a year the officers of the royal household, the Chancellor, Treasurer, two Chamberlains, Constable, and Marshal, with a few barons chosen from their knowledge of the law, sat with the Justiciar at their head, as "Barons of the Exchequer" in the palace at Westminster, round the table covered with its "chequered" cloth from which they took their name. In one chamber, the Exchequer of Account, the "Barons" received the reports of the sheriffs from every county, and fixed the sums to be levied. In a second chamber, the Exchequer of Receipt, the sheriff or tax-farmer paid in his dues and took his receipts. The accounts were carefully entered on the treasurer's roll, which was called from its shape the Great Roll of the Pipe, and which may still be seen in our Record Office; the chancellor kept a duplicate of this, known as the Roll of the Chancery; and an officer of the king registered in a third Roll matters of any special importance. Before the death of Henry I. the vast amount and the complexity of business in the Exchequer Court made it impossible that it should any longer be carried on wholly in London. The "Barons" began to travel as itinerant judges through the country; as the king's special officers they held courts in the provinces, where difficult local questions were tried and decided on the spot. So important did the work of finance become that the study of the Exchequer is in effect the key to English history at this time. It was not from any

philosophic love of good government, but because the license of outrage would have interrupted the returns of the revenue that Henry I. claimed the title of the "Lion of justice." It was in great measure from a wish to sweep the fees of the Church courts into the royal Hoard that the second Henry began the strife with Becket in the Constitutions of Clarendon, and the increase of revenue was the efficient cause of the great reforms of justice which form the glory of his reign. It was the fount of English law and English freedom.

The Curia Regis was composed of the same great officers of the household as those who sat in the Exchequer, and of a few men chosen by the king for their legal learning; but in this court they were not known as "Barons" but as "Justices," and their head was the Chief Justice. The Curia Regis dealt with legal business, with all causes in which the king's interest was concerned, with appeals from the local courts, and from vassals who were too strong to submit to their arbitration, with pleas from wealthy barons who had bought the privilege of laying their suit before the king, besides all the perplexed questions which lay far beyond the powers of the customary courts, and in which the equitable judgment of the king himself was required. In theory its powers were great, but in practice little business was actually brought to it in the time of Henry I.; the distance of the court from country places, and the expense of carrying a suit to it, would alone have proved an effectual hindrance to its usefulness, even if the rules by which it was guided had been much more complete and satisfactory than they actually were.

The routine of this system of administration, as well as the mass of business to be done, effectually interfered with arbitrary action on the king's part, and the regular and methodical work of the organized courts gave to the people a fair measure of protection against the tyranny or caprice of the sovereign. But the royal power which was given over to justices and barons did not pass out of the hands of the king. He was still in theory the fount of all authority and law, and could, whenever he chose, resume the powers that he had granted. His control was never relaxed; and in later days we find that while judges on circuit who gave unjust judgment were summoned before the Curia Regis at Westminster, the judges of the Curia Regis itself were called for trial before the king himself in his council.

The reorganization of these courts was fast completed under Henry's great justiciar, De Lucy, and the chancellor Thomas. The next few years show an amount of work done in every department of government which is simply astonishing. The clerks of the Exchequer took up the accounts and began once more regular entries in the Pipe Roll; plans of taxation were devised to fill the empty hoard, and to check the misery and tyranny under which the tax-payers groaned. The king ordered a new coinage which should establish a uniform system of money over the whole land. As late as the reign of Henry I. the dues were paid in kind, and the sheriffs took their receipts for honey, fowls, eggs, corn, wax, wool, beer, oxen, dogs, or hawks. When, by Henry's orders, all payments were first made in coin to the Exchequer, the immediate convenience was great,

but the state of the coinage made the change tell heavily against the crown. It was impossible to adulterate dues in kind; it was easy to debase the coin when they were paid in money, and that money received by weight, whether it were coin from the royal mints, or the local coinages that had continued from the time of the early English kingdoms, or debased money from the private mints of the barons. Roger of Salisbury, in fact, when placed at the head of the Exchequer, found a great difference between the weight and the actual value of the coin received. He fell back on a simple expedient; in many places there had been a provision as old at least as Doomsday, which enacted that the money weighed out for town-geld should if needful be tested by re-melting. The treasurer extended this to the whole system of the Exchequer. He ordered that all money brought to the Exchequer should itself be tested, and the difference between its weight and real value paid by the sheriff who brought it. The burden thus fell on the country, for the sheriff would of course protect himself as far as he could by exacting the same tests on all sums paid to him. If the pound was worth but ten shillings in the market, no doubt the sheriff only took it for ten shillings in his court. Practically each tax, each due, must have been at least doubled, and the sheriff himself was at the mercy of the Exchequer moneyers. There was but one way to remedy the evil, by securing the purity of the coin, and twice during his reign Henry made this his special care.

In the absence of records we can only dimly trace the work of legal reform which was carried out by Henry's legal officers; but it is plain that before 1164

certain great changes had already been fully established. A new and elaborate system of rules seems gradually to have been drawn up for the guidance of the justices who sat in the Curia Regis; and a new set of legal remedies in course of time made the chances of justice in this court greater than in any other court of the realm. The *Great Assize*, an edict whose date is uncertain, but which was probably issued during the first years of his reign, developed and set in full working order the imperfect system of "recognition" established by the Norman kings. Henceforth the man, whose right to his freehold was disputed, need but apply to the Curia Regis to issue an order that all proceedings in the local courts should be stopped until the "recognition" of twelve chosen men had decided who was the rightful owner according to the common knowledge of the district, and the barbarous foreign custom of settling the matter by combat was done away with. Under the new system the Curia Regis eventually became the recognized court of appeal for the whole kingdom. So great a mass of business was drawn under its control that the king and his regular ministers could no longer suffice for the work, and new judges had to be added to the former staff; and at last the positions of the two chief courts of the kingdom were reversed, and the King's Court took the foremost place in the amount and importance of its business.

The same system of trial by sworn witnesses was also gradually extended to the local courts. By the new-fashioned royal system the legal men of hundreds and townships, the knights and freeholders, were ordered to search out the criminals of their district, and "present"

them for trial at the Shire Court,—something after the fashion of the "grand jury" of to-day, save that in early times the jurors had themselves to bear witness, to declare what they knew of the prisoner's character, to say if stolen goods had been divided in a certain barn, to testify to a coat by a patch on the shoulder. By a slow series of changes which wholly reversed their duties, the "legal men" of the juries of "presentment" and of "recognition" were gradually transformed into the "jury" of to-day; and even now curious traces survive in our courts of the work done by the ancestors of the modern jury. In criminal cases in Scotland the oath still administered by the clerk to jurymen carries us back to an ancient time: "You fifteen swear by Almighty God, and as you shall answer to God at the great day of judgment, you will truth say and no truth conceal, in so far as you are to pass on this assize."

The provincial administration was set in working order. New sheriffs took up again the administration of the shires, and judges from the King's Court travelled, as they had done in the time of Henry I., through the land. The worst fears of the baronage were justified. They were disabled by one blow after another. Their political humiliation was complete. The heirs of the great lords who had followed the Conqueror, and who with their vast estates in Normandy and in England had inherited the arrogant pretensions of their fathers, found themselves of little account in the national councils. The mercenary forces were no longer at their disposal. The sources of wealth which they had found in plunder and in private coinage were cut off. Their rights of jurisdiction were curtailed. A

final blow was struck at their military power by the adoption of scutage. In the Welsh campaign of 1157 Henry opened his military reforms by introducing a system new to England in the formation of his army. Every two knights bound to service were ordered to furnish in their place one knight who should remain with the king's army as long as he required. It was the first step towards getting rid of the cumbrous machinery of the feudal array, and securing an efficient and manageable force which should be absolutely at the king's control. In the war of Toulouse in 1159 the problem was for the first time raised as to the obligation of feudal vassals to foreign service, and Henry gladly seized the opportunity to carry out his plan yet more fully. The chief vassals who were unwilling to join the army were allowed to pay a fixed tax or "scutage" instead of giving their personal service. Henry, the chroniclers tell us, careful of his people's prosperity, was anxious not to annoy the knights throughout the country, nor the men of the rising towns, nor the body of yeomen, by dragging them to foreign war against their will; at the same time he himself profited greatly by the change. The new system broke up the old feudal array, and set the king at the head of something like a standing army paid by the taxes of the barons.

Henry had, indeed, won a signal victory over feudalism. But feudalism had no roots on English soil; it was forced to borrow Brabançons, and to work by means alien to the whole feudal tradition and system, and Henry had easily overthrown the baronage by the help of the Church. But in the process the ecclesiastical party had learned to know its strength, and the king

had to meet a more formidable resistance to his will when, instead of a lawless baronage, he was confronted by the Church with its mighty organization, always vigilant and menacing. The clergy had from the first looked with a very jealous eye on his projects. A sharp quarrel as to the jurisdiction of the ecclesiastical courts had early arisen between Henry and Archbishop Theobald, but the matter had been compromised for a time. Thomas had taken office pledged to defend ecclesiastical interests, and he was so far true to his pledge, that while he was chancellor he put an end to the abuse of keeping bishoprics and abbeys vacant. He had, however, as was said at the time, "put off the deacon" to put on the chancellor; and in an ecclesiastical trial which took place soon after Henry's crowning, he appears as an energetic exponent of the king's legal views. A dispute had raged for years as to the jurisdiction of the bishops of Chichester over the abbots of Battle. On Henry's accession Bishop Hilary of Chichester vigorously renewed the struggle, and a great trial was held in May 1157 to decide the matter. Hilary failing after much discussion to effect a compromise, emphatically and solemnly declared in words such as Henry was to hear a few years later from another mouth, that there were two powers, secular and spiritual, and that the secular authority could not interfere with the spiritual jurisdiction, or depose any bishop or ecclesiastic without leave from Rome. "True enough, he cannot be 'deposed,'" cried the young king, "but by a shove like this he may be clean thrust out!" and he suited the action to the words. A laugh ran round the assembly at the king's jest; but Hilary,

taking no notice of the hint, went on to urge that no layman, not even the king, could by the law of Rome confer ecclesiastical dignity or exemptions without the Pope's leave and confirmation. "What next!" broke in Henry angrily, "you think with your practised cunning to set yourself up against the authority of my kingly prerogative granted me by God Himself! I command you by the allegiance you have sworn to keep within proper bounds language against my crown and dignity!" A general clamour rose against the prelate, and the chancellor, louder than the rest, talked of the bishop's oath of fealty to the king, and warned him to take heed to himself. Hilary, seeing himself thus beset, obsequiously declared that he had no wish to take aught from the kingly honour and dignity, which he had always bent every effort to magnify and increase; but Henry bluntly retorted that it was plain to all that his honour and dignity would be speedily removed far from him by the fair and deceitful talk of those who would annul his just prerogatives. The bishop could not find a single friend. Chancellor and justiciar and constable rivalled one another in taunts and sharp phrases. When he went on to urge the revision of the Conqueror's charter to Battle by the archbishop, and to appeal to ecclesiastical custom, Henry's wrath rose again. "A wonderful and marvellous thing truly is this we hear, that the charters, forsooth, of my kingly predecessors, confirmed by the prerogative of the Crown of England, and witnessed by the magnates, should be deemed beyond our powers by you, my lord bishop. God forbid, God forbid, that in my kingdom what is decreed by me at the instance of reason, and with

the advice of my archbishops, bishops, and barons, should be liable to the censure of you and such as you!" He broke short discussion by declaring that the question belonged to him alone to settle. The chancellor, in a long argument, crushed the already humbled bishop, and raised the king's anger to its utmost pitch by drawing attention to the fact that Hilary had appealed to Rome to the contempt of the royal dignity. The king, his countenance changed with fury, turned passionately to the bishop, who tremblingly swore, while Archbishop Theobald crossed himself in amazement at the audacious perjury, that it was the abbot who had got the bull of which Thomas complained. Theobald entreated that the matter might be settled according to Canon law, but this the king promptly refused. Finally Hilary was forced to complete submission, and the archbishop prayed that he might be pardoned for any imprudent words he had used against the king's majesty. Henry was ever ready to yield everything in form when once he had got his own way. "Not only," he answered, "do I now give him the kiss of peace, but if his sins were a hundredfold, I would forgive them all for your prayers and for the love I bear him;" and bishop and abbot and justiciar, all by the king's orders, joined in the kiss of peace.

But no kiss of peace given at Henry's orders could turn away the rising wrath of the Church. A general feeling of danger was in the air, and both sides, in preparing for the inevitable future, chose the same man to fight their battle,—Thomas, the disciple and secretary of Theobald, Thomas, the minister of the king's reforms. The young king had turned with passionate affection to

his brilliant chancellor. In hall, in church, in council-chamber, on horseback, he was never separated from his friend. Thomas, like his master, was always ready for hunting, or for hawking, or for a game of chess. He was willing, too, to save the king the cost and burden of entertainment and display. He was careful to magnify his office. He held a splendid court, where Henry's son and a train of young nobles were brought up to knightly accomplishments. He was dressed in scarlet and furs, and his clothes were woven with gold. His table was covered with gold and silver plate, and his servants had orders to buy the most costly provisions in the shops for cooked meat, which were then the glory of the city. His household was the talk of London. The king himself, curious to see how things went on, would sometimes come on horseback to watch the chancellor sitting at meat, or, bow in hand, would turn in on his way from hunting, and, vaulting over the table, would sit down and eat with him. Henry lavished gifts on him, so that according to one of his chroniclers, "when he might have had all the churches and castles of the kingdom if he chose since there was none to deny him, yet the greatness of his soul conquered his ambition; he magnanimously disdained to take the poorer benefices, and required only the great things—the provostship of Beverley, the deanery at Hastings, the Tower of London with the service of the soldiers belonging to it, the castle of Eye with 140 soldiers, and that of Berkhampstead." Nor was the king's favour misplaced, for Thomas was an excellent servant. Business was rapidly despatched by him; and Henry found himself relieved of the most irksome part of his work. The chan-

cellor surrounded himself by able men, looking even as far as Gaul for poor Englishmen who were distinguished for their talent; fifty-two clerks were employed under him in the Chancery. As he grew more and more important to his master, unlimited powers were put in his hand. There are even entries in the Pipe Roll of pardons issued by him, the first instance of such a right ever used by any save king or queen. It was said that those who had the king's favour might count it as a vain thing, unless they had also the friendship of the chancellor. "The king's dominions, which reach from the Arctic Ocean to the Pyrenees, he put into your power, and in this alone was any man thought happy, that he should find favour in your eyes," runs a letter written afterwards to Thomas.

To complete the king's schemes, however, one dignity yet remained to be conferred on Thomas. He was eager, in view of his proposed reconstruction of Church and State, to adopt the Imperial system of a chancellor-archbishop. The difficulties in the way were great, for ancient custom limited the technical supremacy of the king's will in the choice of the Primate. No archbishop since the Conquest had been chosen for other reasons than those of piety and learning; no secular primate had been appointed since Stigand, and before Stigand there had never been one at all; no deacon had ever been chosen for this high office; and never had a king's officer been made archbishop, however common it may have been to put chancellor or treasurer in less important sees. Amid the anxiety and questioning which followed the death of Theobald in 1161, Thomas himself clearly saw the parting of the ways: "Who-

ever is made archbishop," he said, "must quickly give offence to God or to the king." Henry alone knew no hesitation. Fresh from his triumphs abroad, master of his great empire, clear and decided in his projects for the ordering of his dominions, eager with the force and determination of twenty-eight years, recognizing no check to his imperious will and the dictates of his friendship, he chose Thomas as archbishop, "Matilda dissuading, the kingdom protesting, the whole Church sighing and groaning." The king, who was then in France, sent his envoy, Richard de Lucy, to Canterbury to press the essential problem home in plain words: "If," he said, "the king and the archbishop are joined together in affection, the state of the Church will still be quiet and happy; but if the thing should fall out otherwise, what strife may come from it, what difficulties and tumults, what loss and peril to souls, I cannot hide from you." The argument prevailed, and in London, in the presence of the king's little son Henry, then seven years old, Thomas was chosen archbishop, "the multitude acclaiming with the voice of God and not of man." The deacon-chancellor was ordained priest on the 2d of June 1162, and the next day consecrated archbishop by Henry of Winchester. Two months later John of Salisbury brought him the pall from Pope Alexander at Montpellier, and for the first time since the Norman Conquest, a man born on English soil was set at the head of the English Church.

CHAPTER V

THE CONSTITUTIONS OF CLARENDON

In the January of 1163 Henry once more landed in England. His absence of four and a half years had given time for dangers and alarms to spring up in the half-settled realm. Mysterious prophecies passed from mouth to mouth that the king would never be seen in the island again, and even Theobald, before his death in 1161, had sent urgent entreaties for his return. The king had, in fact, during the first eight years of his rule been mainly occupied in building up his empire, and providing for its defence against external dangers. He had only twice visited the kingdom, each time for little more than a year. He was now, however, prepared to take the work of administration seriously in hand. In the next eighteen years, from 1163 to 1180, he landed on its shores seven times, and spent altogether eight years in the country. Once he was busied with the conquest of Ireland; one visit of a month was spent in crushing a dangerous rebellion; but with these two exceptions every coming of the king was marked by the carrying out of some great administrative reform. In his half-compacted empire order was still only maintained by his actual presence and the sheer force of his personal authority, as he hurried from country to country to

quell a rising in Gascony or a revolt in Galloway, to wage war in Wales, to finish the conquest of Britanny or of Ireland, to order the administration of Poitou or Normandy. But in the swift and terrible progresses of a king who visited the shires to north and south and west in the intervals of foreign war, a long series of experiments as to the best forms of internal government was ceaselessly carried out, and the new administration securely established.

Henry, however, was at once met by a difficulty unknown to earlier days. The system which the Conqueror had established of separate courts for secular and ecclesiastical business had utterly broken down for purposes of justice. Until the reign of Stephen much of the business of the bishops was done in the courts of the hundred and the shire. The Church courts also had at first been guided by the customary law and traditions of the early English Church, which had grown up along with the secular laws and had a distinctly national character. So long, indeed, as the canon law remained somewhat vague, and the Church courts incomplete, they could work peaceably side by side with the lay courts; but with the development of ecclesiastical law in the middle of the twelfth century, it was inevitable that difficulties should spring up. The boundaries of civil and ecclesiastical law were wholly uncertain, the scientific study of law had hardly begun, and there was much debatable ground which might be won by the most arrogant or the most skilful of the combatants. Every brawl of a few noisy lads in the Oxford streets or at the gates of some cathedral or monastic school was enough to kindle the strife as to the jurisdiction

of Church or State which shook mediæval society to its foundation.

The Church courts not only had jurisdiction over the whole clerical order, but exercised wide powers even over the laity. To them alone belonged the right to enforce spiritual penalties, to deal with cases of oaths, promises, anything in which a man's faith was pledged; to decide as to the property of intestates, to pronounce in every case of inheritance whether the heir was legitimate, to declare the law as to wills and marriage. Administering as they did an enlightened system of law, they profited by the new prosperity of the country, and the judicial and pecuniary disputes which came to them had never been so abundant as now. Henry was keenly alive to the fact that the archdeacons' courts now levied every year by their fines more money than the whole revenue of the crown. Young archdeacons were sent abroad to be taught the Roman law, and returned to preside over the newly-established archdeacons' courts; clergy who sought high office were bound to study before all things, even before theology, the civil and canon law. The new rules, however, were as yet incomplete and imperfectly understood in England; the Church courts were without the power to put them in force; the procedure was hurried and irregular; the judges were often ill-trained, and unfit to deal with the mass of legal business which was suddenly thrown on them; the ecclesiastical authorities themselves shrank from defiling the priesthood by contact with all this legal and secular business, and kept the archdeacons in deacons' orders; the more religious clergy questioned whether for an archdeacon salvation

were possible. In the eight years of Henry's rule one hundred murders had been committed by clerks who had escaped all punishment save the light sentences of fine and imprisonment inflicted by their own courts, and Henry bitterly complained that a reader or an acolyte might slay a man, however illustrious, and suffer nothing save the loss of his orders.

Since the beginning of Henry's reign, too, there had been an enormous increase of appeals to Rome. Questions quite apart from faith or morals, and that mostly concerned property, were referred for decision to a foreign court. The great monasteries were exempted from episcopal control and placed directly under the Pope; they adopted the customs and laws which found favour at Rome; they upheld the system of appeals, in which their wealth and influence gave them formidable advantages. The English Church was no longer as in earlier times distinct from the rest of Christendom, but was brought directly under Roman influence. The clergy were more and more separated from their lay fellow citizens; their rights and duties were determined on different principles; they were governed by their own officers and judged by their own laws, and tried in their own courts; they looked for their supreme tribunal of appeal not to the King's Court, but to Rome; they became, in fact, practically freed from the common law.

No king, and Henry least of all, could watch unmoved the first great body which threatened to stand wholly outside the law of the land; and the ecclesiastical pretensions of the time were perhaps well matched by the pretensions of the State. The king had prepared for the coming conflict by a characteristic act of high-

handed imperiousness in the election of the chancellor-archbishop to carry out his policy. But all such schemes of imperative despotism were vain. No sooner was Thomas consecrated than it became plain that his ecclesiastical training would carry the day against the influence of Henry. As rapidly as he had "thrown off the deacon" to become the chancellor, so he now went through the sharper change of throwing off the chancellor to become the archbishop. With keen political sagacity he at once sought the moral support of the religious party who had so vehemently condemned his appointment. The gorgeous ostentation of his old life gave way to an equally elaborate scheme of saintliness. He threw away with tears his splendid dress to put on sackcloth and the black cloak of the monk. His table was still covered with gold and silver dishes and with costly meats, but the hall was now crowded with the poor and needy, and at his own side sat only the most learned and holy among the monks and clergy. Forty clerks "most learned in the law" formed his household. He visited the sick in the infirmary, and washed the feet of thirteen poor men daily. He sat in the cloister like one of the monks, studying the canon law and the Holy Scriptures. He joined their prayers in the Church and took part in their secret councils. The monks who had suffered under the heavy hand of Theobald, when their dainty foods were curtailed and their cherished privileges sharply denied them, hailed joyfully the unexpected attitude of their new master. "This is the finger of God," men said, "this, indeed, is the work of the right hand of the Most High." "As he had been accustomed to the pre-eminence over others in worldly

glory," commented another observer, "so now he determined to be the foremost in holy living."

Rumours spread that there were to be other changes besides that of "holy living." The see of Canterbury under the new primate was to win back all lands and privileges lost during the civil wars, at whatever cost to the interests of the whole court party, of barons who found their rights to Church appointments and Church lands questioned, and of clerks of the royal household who trembled for their posts and benefices. There was soon no lack of enemies at court, old and new, ready to carry to Henry whispers that would appeal most subtly to his fears,—whispers that the royal dignity itself was in danger; that he must look to himself and his heirs, or the story of Stephen's time would be told over again, and that man alone would in future be king, whom the clergy should elect and the archbishop approve. Henry's bitter anger was aroused when Thomas resigned the chancellorship, "not now wishing to be in the royal court, but desiring to have leisure for prayers, and to superintend the business of the Church." The king retorted by forcing Thomas to resign his archdeaconry with its rich fees; and at his landing in January 1163 he received the archbishop, who came to meet him, "with averted face." Thomas, on his part, added another grievance by refusing on ecclesiastical grounds to allow Henry to marry his brother to Stephen's daughter-in-law, the Countess of Warenne; and on the general question of the relations of Church and State, he hastened to define his views with sharp precision in an eloquent sermon preached before the king. "Henry observing it word by word, and understanding from it how greatly Thomas

put the ecclesiastical before the civil right, did not receive this doctrine with an equal mind, for he perceived that the archbishop was far from his own view, that the Church had neither rights nor possessions save by his favour." The attitude of Thomas was yet further strengthened and defined when, in May 1163, he went to attend a great Council held at Tours, where he was brought more immediately under the influence of the ecclesiastical movement of the day. There he sought, with a meaning that Henry must clearly have understood, to procure the canonization of Anselm from Pope Alexander, who, however, was far too politic amid his own difficulties, and in his need for Henry's help, to commit himself either by consent or by refusal.

The inevitable controversy declared itself soon after the return of Thomas from Tours. Throughout July and August one question after another was hurried forward for settlement between king and primate. On July 1 the king proposed a change in the collection of the land-tax, which would have increased the royal revenues at the expense of the revenues of the shire. Since the Conquest there had never been a single instance of an attempt to resist the royal will in matters of finance ; but Thomas showed no hesitation. He flatly refused consent to an arbitrary act of this kind. He made no objection to the payment of the tax, but he was determined to prevent the local revenues being seized in this way by the king. His action seems to have been wise and patriotic, and his triumph was complete. Henry was forced to abandon the scheme. Having awakened the anger of the king, Thomas next alienated the whole party of the barons by pressing his demands

for the recovery of lands belonging to his see. Tunbridge, Rochester, now in the custody of the crown itself, Hythe, Saltwood, and a number of other manors became the subjects of sharp contention. The archbishop urged a doubtful claim, which he had inherited from Theobald, to appoint the priest to a church on the land of William of Eynesford, a tenant of the king. William resisted, and Thomas made his first false move by excommunicating him. Henry at once appealed to the "customs" of the kingdom, which forbade such sentence on the king's barons without the royal consent, and Thomas had to withdraw his excommunication. "I owe him no thanks for it!" cried the angry king.

A more serious strife was raised when Thomas came into direct collision with Henry on the inevitable question of the punishment of clerks for crime against the common law. If the king was determined to bring about a fundamental reform in the administration of justice, the Primate was equally resolute that as archbishop he would have nothing to do with reforms which he might have countenanced as chancellor. He prudently sought at first to divert attention from the real issue by increasing the severity of judgments in the ecclesiastical courts. A clerk had stolen a chalice; he insisted on his trial in the Church Court, but to appease the king ordered him to be branded,—a punishment condemned by ecclesiastical law which considered all injury to the person as defiling the image of God. Such devices, however, were thrown away on Henry. When another clerk, Philip de Broi, who had been accused of manslaughter, was set free by the Church courts, the king's justiciar ordered him to be brought to a second trial before a lay

judge. Philip refused to submit. The justiciar then charged him with contempt of court for his vehement and abusive language to the officer who summoned him, but the archbishop demanded that for this charge, too, he should be tried by ecclesiastical law. Henry was forced to content himself with sending a detachment of bishops and clergy to watch the trial. They returned with the news that the court had refused to reconsider the charge of manslaughter, and had merely condemned Philip for insolence; he was ordered to make personal satisfaction to the sheriff, standing (clerk as he was) naked before him, and submitting to a heavy fine; his prebend was to be forfeited to the king for two years; for those two years he was to be exiled and his movable goods were confiscated.

The punishment might seem severe enough, but Henry would accept no compromise. With a burst of fury he declared that just judgment for murder was refused because the offender was in orders. Resolute that the question should once for all be settled, he summoned a council at Westminster on October 1. There he demanded, "for love of him and for safety of the kingdom," that accused clerks should be tried by the common law, and that if proved guilty, they should be degraded by the bishops, and given up to the executioner for punishment. He complained of the exactions of the ecclesiastical courts, and urged that in all matters concerning these courts or the rights of the clergy, the bishops should return to the customs of Henry the First. Such a course would have left them at the king's mercy, and the prelates wavered in their sore distress. The king's friends contended that a guilty clerk deserved

punishment double that of a layman, and urged the need of submission at this moment when the Church was torn asunder by schism; and the bishops frankly admitted a yet more pressing consideration: "For if we do not what the king wishes," they said, "flight will be cut off from us, and no man will seek after our souls; but if we consent to the king, we shall own the sanctuary of God in heredity, and shall sleep safely in the possession of our churches." On the other hand, the archbishop had no mind to resign without a contest all the results of the great tide of feeling which had swept the Church onward far past its old landmarks. For him there was no going back to a traditional past from which the Church had shaken itself free, and in which, though king and barons might see the freedom of the State, he saw the enslaving and degradation of the clergy. He vehemently asserted that the "customs" of the Church were of greater authority than any "customs" of the kingdom, that its canon law claimed obedience as against all traditional national law whatever; and with keen political insight he insisted on the dangers that would follow if once they allowed the charm of prescription to be broken, or the ecclesiastical liberties to be touched. He boldly led the way in his answer to the king: "We will obey in all things saving our order;" and as the bishops were asked one by one, they took courage to follow, and "one voice was in the mouth of all of them." Such a phrase had never been heard in England before, and Henry, with ready indignation, at once demanded the withdrawal of the words. When Thomas refused, he broke up the council in a burst of anger, and suddenly rode away from London, instantly

followed by the whole body of trembling bishops, who hurried after him in abject terror, "lest before they should be able to catch him up, they should already have lost their sees." Thomas was left alone—"there was not one who would know him,"—while the prelates, coming up in time with their terrible lord, agreed henceforth to guide their words by his good pleasure.

From this moment all the elements of strife were prepared, and there was but outer show of harmony when king and archbishop, a few days later, joined at Westminster to celebrate with solemn pomp the translation of the remains of the sainted Confessor. In declaring war upon local jurisdictions, whether of clergy, or nobles, or burghers, or independent shire courts, Henry was defying all the traditions and convictions of his age,—an age when local feeling was a force which we are now quite unable to measure. The nobles, the guilds, and the rising towns had already won long before, or were now seeking to win as their most cherished privilege, the right to their own justice without interference from any higher power. They naturally looked with sympathy on the rights exercised by the clergy within their own body; they felt that whatever had been won by one class might later be won by another, and that liberties which were enjoyed by so enormous a body as the clerical order were a benefit in which the whole people had a share. If the king was determined to wage war on "privilege," clergy and people were equally resolute to defend "liberty." Moreover, in attacking the special jurisdiction of the Church, Henry had to encounter a force to which there is no parallel in our own time. An English

king had doubtless less to fear from the Church than had any continental ruler. Abroad the bishop-stool, the abbey, the Church, were oases in the midst of perpetual war,—the only spots where peace and law and justice spoke in protest against the chaos of the world. But England was, in comparison with the rest of the western world, a country of peace and law. There the Church was less powerful against the State because the State had never handed over its duty of maintaining justice and law and right to the exclusive guardianship of the Church. None the less it was a formidable matter to rouse the hostility of a body which included not only all the religious world, but all the educated classes, and penetrated even to the despised villeinage and the poor freemen whose sons pressed into its lower ranks. The Church with which Henry had to deal was no longer the same that the Conqueror had easily bent to his will. It had received its training and felt its strength in political action; it had developed a close corporate spirit; it had an admirable organization; it possessed the most advanced as well as the most merciful legal system of the age. Its courts had strong claims to popular regard. Their punishments were more merciful than the savage sentences of the lay courts; and they held out great advantages to the rich, since the penances they inflicted could be commuted for money. Their system of law, moreover, was far in advance of the barbarous rules of customary law; and they were backed by all the authority of the Roman Curia and of the religious feeling of the day.

Henry had, however, peculiar advantages in the contest. He was master of a disciplined body of

ministers and servants, in whom he could confidently trust. He was sure, in this matter at least, of the support of the lay baronage, who had long arrears of jealousy to make up against their hereditary opponents the clergy, and who were not likely now to forget that no party in the Church had ever made common cause with the feudal lords. He could count on the obedience of the secular clergy. In France or Germany the bishops were members of the great houses, and as powerful local rulers wielded a vast feudal authority. In England their position was very different. They were drawn from the staff of the king's chapel, and had their whole training in the administration of the court; and they formed an official nobility who were charged, in common with the secular nobility, with the conduct of the general business of the realm. They were appointed to their places by the king for services done to him, and as instruments of his policy. Neither Pope nor people had any share in their election. Their estates were granted them by the same titles, and with the same obligations as those of feudal barons; the king could withhold their temporalities, sequestrate their lands, confiscate their personal goods, and burden them with heavy fines; they lay absolutely at his mercy without appeal. Every tie of feudal duty, of official training, of prudent self-interest, forced them into subjection to the Crown. Their Roman sympathies were quenched as they watched the growing independence of the monasteries, and saw Church endowments taken to enrich the new religious houses of every kind which were springing up all over England. They feared the new authority claimed by legates, which threatened to

withdraw the clergy, if they chose to assert their claims, from regular episcopal jurisdiction. They were thrown on the side of the king in ecclesiastical questions; drawn together by a common cause, both alike found their interest in the defence of national tradition as opposed to foreign custom.

Their leaders too looked coldly on the cause of the Primate. The Archbishop of York, Roger of Pont l'Evêque, once the companion of Thomas in Theobald's household, was now his personal enemy and rival. The two prelates inherited the secular strife as to which see should have the precedence. Moreover, while Canterbury represented the papal policy and always looked to Rome, York preserved some faint traditional leanings towards the liberties of the Irish and Scotch churches from whence the Christianity of the north had sprung. The Bishop of London, Gilbert Foliot, who, with the approval of Thomas, had been translated from Hereford only five months before, was, by his mere position, marked out as the chief antagonist of the archbishop, for St. Paul's was at the head of the whole body of secular clergy throughout southern England, and to its bishop inevitably fell the leadership of this party against Canterbury, which was in the hands of a monastic chapter. The Bishop of Winchester, Henry of Blois, could well remember the struggle between Church and Crown under a far weaker king twenty-six years before, when the bishops had wisely withdrawn from a contest where they had "seen swords unsheathed and knew it was no longer a joking matter, but a struggle of life and death;" and with the prudence born of long political experience he was for moderate counsels

The Bishop of Chichester, Hilary, doubtless remembered the inconvenient part which Thomas as chancellor had played in his own trial a few years before, and might gladly recognize a poetic justice in seeing Thomas's old doctrines of the supremacy of the State now applied to himself. "Every plant," he once said with taunting reference to the king's part in Thomas's election, "which my heavenly Father has not planted shall be rooted up." Thomas bitterly added another verse as he heard of the saying, "This man had among the brethren the place of Judas the traitor." There seems to have been a general impression that the position of the Primate was extremely critical, and he was besieged by advisers who urged submission, by messengers from pope and cardinals, by panicstricken churchmen. Beset on all sides the Primate wavered, and at last promised to swear obedience to the "customs of the kingdom." Immediately the king summoned prelates and barons to witness his submission, and the famous Council of Clarendon met for this purpose in 1164.

At Clarendon, however, after three days' conference, the archbishop hesitated and hung back; he had grievously sinned in yielding, and he now refused the promised oath. The bishops, finding courage in his firmness, declared themselves ready to follow him in his refusal. At the news the fury of the king burst forth, and "he was as a madman in the eyes of those who stood by." The court broke into wild disorder; the servants of the king, "with faces more truculent than usual," burst into the assembly of the prelates, and flinging aside their long cloaks, flourished their axes aloft, and threatened to strike them into the heads of the bishops. Two nobles

were sent to warn Thomas that orders for his death were already given unless he would submit. The weeping bishops with lamentable voices besought him to save them; knights of the Hospital and the Temple from the king's household knelt before him, sighing and pouring forth tears. "In fear of death," says one chronicler, he yielded. "I am ready," he said, "to keep the customs of the kingdom." Hardly were the words out of his mouth, when Henry commanded him to order the bishops to give the same promise, and again the Primate obeyed. But the king was still unsatisfied. His temper had risen in the discussions of the last few months; his determination was fixed that the matter should be settled once for all. With the sharp decision of a keen and practical administrator, he ordered that the "customs of the kingdom" should be written down, so that no question might ever arise as to the laws which Thomas had sworn to observe; and "wise men" passed into the next room to write according to the king's will. They returned with a draft of sixteen articles, the famous "Constitutions of Clarendon." To these the king commanded that the Primate should set his seal; but Thomas, agitated by fear and anxiety, was no longer of the same mind. "By the omnipotent God," he cried, "while I live, I will never set my seal to it!" Whether he finally submitted it is impossible now to say. But he left the court with a last protest. A copy of the writing was torn down the middle, and one half, after the fashion of the "tallies" of the day, was given to Thomas in token of his promise, while the other was laid up in the royal treasury. "I take this," said the archbishop, "not consenting nor approving," and turning to

the clergy: "By this we may know the malice of the king, and those things which we must beware of." He left the council and retired to Winchester, where in sackcloth and penance, shut out from the services of the Church, he condemned himself to wait in deepest humiliation till he should receive the Pope's absolution for his momentary betrayal of duty.

For years to come a furious battle was to rage round the sixteen articles drawn up at Clarendon. According to Thomas, the Constitutions were a mere act of arbitrary violence, a cunning device of tyranny. He asserted that they were the sole deed of the justiciar Be Lucy, and of Jocelyn de Bailleul, a French lawyer. In any case he frankly denied the authority of "custom," that tyrannous law of mediæval times. "God never said," writes one of his defenders, "I am Custom, but I am Truth." Thomas rested his case not on the customary law of the land, but on the code of Rome; to English tradition he opposed the Italian lawyers. Henry, on his part, declared that the Constitutions were drawn up by the common witness of bishops, earls, barons, and wise men; that they were, in fact, part of a system actually in operation, and which had been administered by Thomas himself when he was chancellor. It was certainly a startling novelty to have the customs of the realm drawn up in a written code to which men were required to swear obedience; but still the "Constitutions" professed to be no new legislation, but to be simply a statement of recognized national tradition. The changes that had followed on the Conquest had modified older customs profoundly. The conditions, not only of England but of Europe,

had changed with confusing rapidity, and it was no longer easy to say exactly what was "custom" and what was not. To Henry the Constitutions did fairly represent the system which had grown up with general consent under the Norman kings. Thomas, on the other hand, might argue with equal conviction that he was asked to sign as "customs" what was practically a new code; and he had neither the wisdom nor the temper to reconcile the dispute by a reasonable compromise.

No question seems to have been raised as to some of the statutes which were certainly of recent growth, though they touched Church interests. One of these repeated unreservedly the assertion that bishops held a feudal position in all points the same as that of barons or direct vassals of the king, being bound by all their obligations, and entitled to sit with them in judgment in the Curia Regis till it came to a question of blood. Others dealt with disorders which had grown up from the mutual jealousy of Church and lay courts, and the difficulties thus thrown in the way of administering laws which were not disputed; rules were made for the securities to be taken from excommunicated persons; for the giving up to the king of forfeited goods of felons deposited in churches or churchyards; and forbidding the ordination of villeins without their lord's consent,—a provision which possibly was intended to prevent the withdrawal of an unlimited number of people from secular jurisdiction. Two other clauses touched upon the new legal remedies, the use of the jury in the accusation of criminals, and in the decision of questions of property; it was decreed that laymen should not be accused in Church courts save by

lawful witness, or by the twelve legal men of the hundred—in other words, by the newly-developed jury of "presentation"; while the jury of "recognition" was ordered to be used in disputed titles to ecclesiastical estates.

The real strife was about the seven remaining statutes, which declared that an accused clerk must first appear before the king's court, and that the justiciar should then send a royal officer with him to watch the trial at the ecclesiastical court, and if he were found guilty the Church should no longer protect him; that the chief clergy might not leave the realm without the king's permission; that appeals might not be carried to the Papal Court without the king's consent; that no tenant-in-chief of the king might be excommunicated without the leave of the king; that the revenues of vacant sees should fall to the king, until a new appointment had been made in his court; that questions of advowsons or presentations to livings—questions which at that time represented comparatively a vast amount of property—should be tried in the king's court; and that the king's judges should decide in matters of debt, even where the case included a question of perjury or broken faith, which was claimed as a matter for ecclesiastical jurisdiction. Such laws as these were no doubt in Henry's mind simply part of his scheme for establishing a general order and one undivided authority in the realm. But they opened very much wider grounds of dispute between Church and State than the mere question of how criminal clerks were to be dealt with. They boldly attacked the whole of the pretensions of the Church; they threatened to rob it of a mass of financial

business, to wrest from its control an enormous amount of property, to deprive it of jurisdiction in the great majority of criminal suits, to limit its power of irresponsible self-government, and to prevent its absorption into the vast organization of the Church of Western Christendom. They defined the relations of the English Church to the see of Rome. They established its position as a national Church, and declared that its clergy should be brought under the rule of national law.

The eight months which followed the Council of Clarendon were spent in a vain attempt to solve an insoluble problem. Messengers from king and archbishop hastened again and again to the Pope, with no result. Henry set his face like a flint. "*Verba sunt*," he said to a mediating bishop; "you may talk to me all the days that we both shall live, but there shall be no peace till the archbishop wins the Pope's consent to the customs." Fresh cases arose of clerks accused of theft and murder, but as the personal quarrel between Henry and Thomas increased in bitterness, questions of reform fell into the background. "I will humble thee," the king declared, "and will restore thee to the place from whence I took thee." Thomas, on his part, knew how to awaken all Henry's secret fears. All Europe was concerned in the dispute of king and archbishop. The Pope at Sens, the French king, the "eldest son of the Church," the princes of the House of Blois, as steadfast in their orthodoxy as in their hatred of the Angevin, the Emperor, ready to use any quarrel for his own purposes, were all eagerly watching every turn of the strife. In August Henry was startled by the news that Thomas himself had fled to seek the protection of the Pope at

Sens. He was, however, recognized by sailors, and carried back to English shores. Henry immediately dealt his counter-blow. The archbishop was summoned in September to London to answer in a case which John, the marshal, an officer of the Exchequer, had withdrawn from the Archbishop's to the King's Court. Thomas pleaded illness, and protested that the marshal had been guilty of perjury. The king retorted by calling a council for the trial of the archbishop on a charge of contempt of the royal summons. With the insolence of power and the bitter anger of outraged confidence, Henry heaped humiliations on his enemy. The Primate had a right, by ancient custom, to be summoned first among the great lords called to the king's council; he was now merely served with an ordinary notice from the sheriff of Kent to attend his trial. When he arrived at Northampton there was no lodging left free for himself and his attendants. The king had gone out hunting amid the marshes and streams, and only the next morning met the Primate roughly after mass, and refused him the kiss of peace.

In the council which opened in Northampton Castle on Wednesday, 7th October, we see the Curia Regis in the developed form which it had taken under Henry and his justiciar, De Lucy, carrying out an exact legal system, and observing the forms of a very elaborate procedure. The king and his inner council of the great lords, the prelates, and the officers of the household, withdrew to an upper chamber of the castle; the whole company of sheriffs and lesser barons waited in the great hall below till they were specially summoned to the king's presence, crowding round the fire that burned in the centre of the

hall under the opening in the roof through which the smoke escaped, or lounging in the straw and rushes that covered the floor. For seven days the trial dragged on, as lawyers and bishops and barons anxiously groped their way through baffling legal problems which had grown out of legislation new and old. Even the king himself, fiery, imperious, dictatorial, clung with a kind of superstition to the forms of legal process. The archbishop asked leave to appeal to the Pope. "You shall first answer in my court for the injury done to John the marshal," said Henry. The next day, Thursday, this matter was decided. Bishops and barons alike, lacking somewhat of the king's daring, shrank at first from the responsibility of pronouncing judgment. "We are laymen," said the barons; "you are his fellow-priests and fellow-bishops, and it is for you to declare sentence." "Nay," answered the bishops, "this is not an ecclesiastical but a secular judgment, and we sit here not as bishops but as barons; if you heed our orders you should also take heed of his." The dispute was a critical one, leading as it did directly to questions about the jurisdiction of the Curia Regis over ecclesiastical persons, and the obligation asserted in the Constitutions of Clarendon, that bishops should sit with barons in the King's Court till it came to a question of blood. The king was seized with one of his fierce fits of anger, and the discussion "immediately ended." The unwilling Bishop of Winchester was sent to pronounce sentence of fine for neglect of the king's summons. Matters then moved quickly. A demand was made for £300 which Thomas had received from Eye and Berkhampstead when he was chancellor; and in spite of his defence

that it had been spent in building the palace in London and repairing the castles, judgment went against him. The next day a further demand was made for money spent in the war of Toulouse, and this, too, Thomas agreed to pay, though it was now hard to find sureties. Then the king dealt his last blow. Thomas was required to account for the sums he had received as chancellor from vacant sees and abbeys. "By God's eyes," the king swore, when the Primate and the bishops threw themselves in despair at his feet, he would have the accounts in full. He would only grant a day's delay for Thomas to take counsel with his friends.

By this time there was no doubt of the king's purpose to force upon Thomas the resignation of his archbishopric. The courtiers and lay barons no longer thought it expedient to visit him, and the prelates gave counsel with divided hearts. "Remembering whence the king took you," said Foliot, "and what he has bestowed on you, and the ruin which you prepare for the Church and for us all, not only the archbishopric but ten times as much, if it were possible, you should yield to him. It may be that seeing in you this humility he may yet restore all." To this argument Thomas had curt answer. "Enough — it is well enough known how you, being consulted, would answer!" "You know the king better than we," urged Hilary of Chichester; "in the chancery, in peace and war, you served him faithfully, but not without envy. Those who then envied now excite the king against you. Who dare answer for you? The king has said that you can no longer both be at one time in England—he as king, you as archbishop." Henry of Winchester took his stand on the

side of Thomas. "If the authority of the king was to prevail," he argued, "what remains but that nothing shall henceforth be done according to law, but all things shall be disturbed for his pleasure—and the priesthood shall be as the people," he concluded, with a stirring of the churchman's temper. The Bishop of Exeter added another plea to induce Thomas to stand firm: "Surely it is better to put one head in peril than to set the whole Church in danger." Not so thought the Bishop of Lincoln, "a simple man and of little discretion;" "for it is plain," he said, "that this man must yield up either the archbishopric or his life; but what should be the fruit of his archbishopric to him if his life should cease, I see not." The Bishop of Worcester, son of the famous Robert of Gloucester, and Henry's own cousin and playmate in old days, took an eminently prudent course. "I will give no counsel," he said, "for if I say our charge of souls is to be given up at the king's threats, I should speak against my conscience, and to my own condemnation; and if I should advise to resist the king, there are those here who will bring him word of it, and I shall be cast out of the synagogue, and my lot shall be with outlaws and public enemies." At last, by the advice of the politic Henry of Winchester, Thomas offered to pay the king 2000 marks, but this compromise was refused. He urged that he had been freed at his consecration from all secular obligations, but the plea was rejected on the ground that it was done without the king's orders. An adjournment over Sunday was again granted; but on Monday Thomas was ill, and unable to attend the Council. Three days had now passed in fruitless negotiations, and the rising wrath of the king made itself

felt. Rumours of danger grew on all sides, and the archbishop prostrated himself before the altar in an agony of prayer, "trembling in his whole body," as he afterwards confessed, less from fear of death than from the more terrible fear of the savage blinding and cruel punishments of those days.

But he showed no signs of yielding when on Tuesday morning, the last day of the Council, the bishops again gathered round him beseeching him to yield to the king's will. With a fierce outbreak of passionate reproaches he solemnly forbade them to take part in any further proceedings against him, and gave formal notice of an appeal to Rome. Then kneeling before the altar of St. Stephen he celebrated mass, using the service for St. Stephen's Day with its psalm, "Princes sat and spake against me,"– "a magical rite," said Foliot, "and an act done in contempt of the king"—and commended himself to the care of the first Christian martyr, and of the martyred Archbishop of Canterbury, Ælfheah. Still arrayed in his pontifical robes, he set out for his last ride to the castle. Of the forty clerks "most learned in the law," who formed his household, only two ventured to follow him; but "an innumerable multitude" of people thronged round him as he passed bearing his cross in his right hand, and followed him to the castle doors with cries of lamentation, weeping and kneeling for his benediction, for it was spread abroad that he should that day be slain. The gates were quickly closed in the face of the tumultuous crowd, and Thomas passed up the great hall, while the king, hearing of his coming in such dress and fashion, hastily withdrew to the upper chamber to take counsel with his officers. "A fool he was, and a fool he

always will be," commented Foliot as Thomas entered with his uplifted cross. "Lord archbishop, thou art ill-advised to enter thus to the king with sword unsheathed—if now the king should take his sword, we shall have a well-armed king and a well-armed archbishop!"—"That we will commit to God," said Thomas. Thus he passed to his seat, the troubled and perplexed bishops "sitting opposite to him both in place and in heart."

Meanwhile the king and his inner council, to which the bishops were now summoned, were busy discussing what must be done. Henry's position was one of extreme difficulty, suddenly called on as he was to deal with a legacy of difficulties which had been left from the unsettled controversies of a hundred years. By coming to the court in his pontifical dress Thomas had raised a claim that a bishop could only be tried dressed in full pontificals by his fellow-bishops also in full dress. He had thrown aside the king's jurisdiction by his appeal to Rome; and by his orders to the bishops to judge no further with the barons in this suit he had further violated the "customs" of the realm to which he had himself commanded the bishops to swear obedience at Clarendon. None of the questions raised by Thomas indeed were raised for the first time. William of St. Carileph, when charged by Rufus with treason, had asserted the privilege of a bishop to be tried in pontifical dress, and to be judged only by the canon law in an ecclesiastical court, and had claimed the right of appeal to Rome. But such doctrines were in those days new and somewhat doubtful, not supported in any degree by the Church and quite outside the sympathy of nobles

and people, and Lanfranc had easily eluded the Bishop of Durham's claims. Anselm himself had accepted a number of points disputed now by Thomas. He frankly admitted the king's authority in appointing him to the see of Canterbury; he submitted to the jurisdiction of the King's Court; he made no claims to clerical privileges or special forms of trial He had indeed given the first example of a saving clause in his oath to keep the customs of the kingdom; but the clause he used, "according to God," was radically different from that of Thomas, and asserted no different law of obedience for clerk and for layman. In the reign of Stephen the question of ecclesiastical jurisdiction had been raised at the trial of Bishop Roger of Salisbury; but in this case too the difficulty had been evaded by a temporary expedient, and the real principle at issue was left untouched. Thomas had in fact taken up a position which had never been claimed by any great churchman of the past. The rising tide of ecclesiastical feeling had swept him on far beyond any of his predecessors. Not even in Anselm's time had the people in an ecstasy of religious fervour pressed to the gate of the judgment hall and knelt for the blessing of the saint with a passion of sympathy and devotion. No problem of such proportions in the relations of Church and State had ever before presented itself to a king of England.

Henry's first step was to send orders to the archbishop to withdraw his appeal to Rome and his prohibition to the bishops to proceed in the trial, and to submit to the King's Court in the matter of the chancery accounts. Secret friends in the Council sent the archbishop strange warnings. Henry, some said, was planning his death;

according to others the royal officers were laying plots for it secretly, "the king knowing nothing." A new access of panic seized the bishops. "If he should be captured or slain what remains to us but to be cast out of our offices and honours to everlasting shame!" With faces of abject terror they surrounded Thomas, and the Bishop of Winchester implored him to resign his see. "The same day and the same hour," he answered, "shall end my bishopric and my life." "Would to God," cried Hilary, "that thou wert and shouldst remain only Thomas without any other dignity whatever!" But Thomas refused all compromise; he had not been summoned to answer in this cause; he had already suffered against law, for men of Kent and of the sea-border charged with the defence of the coast might be fined only one-third as much as the inland men; at his consecration, too, he had been freed from any responsibility incurred as chancellor; he asserted his right of appeal; and he had meanwhile forbidden the bishops to judge him in any charge that referred to the time before he was Primate. Silently the king's messenger returned with his answer. "Behold, we have heard the blasphemy of prohibition out of his mouth!" cried the barons and officers, and courtiers turning their heads and throwing sidelong glances at him, whispered loudly that William who had conquered England, and even Geoffrey of Anjou, had known how to subdue clerks.

On hearing the message the king at once ordered bishops and barons to proceed to the trial of the Primate for this new act of contempt of the King's Court. "In a strait place you have put us," Hilary broke out bitterly to Thomas, "by your prohibition you have set

us between the hammer and the anvil!" In vain they again entreated Thomas to yield; in vain they begged the king's leave to sit apart from the barons. Even the Archbishop of York and Foliot sought anxiously for some escape from obeying Henry's orders, and at the head of the bishops prayed that they might themselves appeal to Rome, and thus deal with their own special grievances against Thomas, who had ordered them to swear and then to forswear themselves. To this Henry agreed, and from this time the prelates sat apart, no longer forced to join in the proceedings of the lay lords; while Henry added to the Council certain sheriffs and lesser barons "ancient in days." The assembly thus remodelled formally condemned the archbishop as a traitor, and the earls of Leicester and of Cornwall were sent to pronounce judgment. But the sentence was never spoken. Thomas sprang up, cross in hand, and passionately forbade Leicester to speak. "How can you refuse to obey," said Leicester, "seeing you are the king's man, and hold your possessions as a fief from him?" "God forbid!" said Thomas; "I hold nothing whatever of him in fief, for whatever the Church holds it holds in perpetual liberty, not in subjection to any earthly sovereignty whatever. . . . I am your father, you princes of the palace, lay powers, secular persons; as gold is better than lead, so is the spiritual better than the lay power. . . . By my authority I forbid you to pronounce the sentence." As the nobles retired the archbishop raised his cross: "I also withdraw," he said, "for the hour is past." Cries of "Traitor!" followed him down the hall. Knights and barons rushed after him with bundles of straw and sticks snatched up from

the floor, and a clamour rose "as if the four parts of the city had been given to flames and the assault of enemies." He made his way slowly through the weeping crowd outside to the monastery of St. Andrews. That night he fled from Northampton. The darkness was "as a covering" to him, and a terrible storm and pelting rain hid the sound of his horse's feet as he passed at midnight through the town, and out by an unguarded gate to the north. At dawn of day the anxious Henry of Winchester came to ask for news. "He is doing well," Thomas's servant whispered in his ear, "for last night he went away from us, and we do not know whither he has gone." "By the blessing of God!" cried the bishop, weeping and sighing. When the news was brought to the king he stood speechless for some moments, choked by his fury, till at last catching his breath, "We have not done with him yet!" he exclaimed.

It seemed, indeed, as though the Council of Northampton had brought nothing but failure and disaster. The king's whole scheme of reform depended on the ruin or the submission of the Primate, who was its open and formidable opponent. But Thomas was free and was now more dangerous than ever. The Church was alarmed, suspicious, perplexed. It was not ten years since Henry had made his first journey round the kingdom with Archbishop Theobald at his side, as the king chosen and appointed by the spiritual power to put down violence and repress a lawless baronage. But now he could no longer look for the aid of the Church; all dream of orderly legislation seemed over. Amid all his violence, however, the king's sincere

attempt to maintain the outward authority of law made of the Council of Northampton a great event in our constitutional history. It showed that the rule of pure despotism was over. A new step was taken too in the political education of the nation. Thrown back on the support of his own officials and of the baronage, Henry used the nobles as he had once used the Church. Greater and lesser barons sat together in the King's Council for the first time when Henry summoned sheriffs and knights from the hall of Northampton Castle to the inner council chamber. He taught the nobles their strength when he called the whole assembly of his barons to discuss questions of spiritual jurisdiction. It was at Northampton that he gave them their first training in political action—a training whose full results were seen half a century later in the winning of Magna Charta.

CHAPTER VI

THE ASSIZE OF CLARENDON

THE flight of the archbishop marked the opening of a new phase in the struggle. Thomas sought refuge at the Papal Court at Sens. There kneeling at Alexander's feet, and surrounded by weeping cardinals, he delivered into the Pope's hands the written "customs" which had been forced upon him at Clarendon, and resigned the see of Canterbury to receive it back again with all honour. Alexander had indeed but limited sympathy with the fiery zealot, but he had practically no choice of action in face of the resistance with which the clergy would have met any sacrifice of ecclesiastical to secular authority. For two years at a monastery in Pontigny, then for four at Sens, the archbishop lived the life of an austere Cistercian monk, edifying the community with his fastings, scourgings, and prayers. The canon law again became his constant study, and throughout the churches of Gaul he sought for books which might be copied for the library at Canterbury. He was soon fortified with visions of martyrdom, and prepared himself fitly to fulfil this glorious destiny. Nor did he forget the uses of political intrigue; it was easy to enlist on his side the orthodoxy of the French king and of the house of Blois; and the intimate knowledge which he

had of his master's continental policy was henceforth at the disposal of the hereditary enemies of Henry. A tumult of political alarms filled the air. Ambassadors from both sides hurried to every court, to the Emperor, the Pope, the King of France, the Count of Flanders, the Empress Matilda at Rouen. It was the beginning of six years of incessant diplomatic intrigue, and of almost ceaseless war. The conflict, transferred from England to France, rapidly widened into a strife, not now for the maintenance of the king's authority in England, but for his actual supremacy over the whole empire. Instead of the great questions of principle which had given dignity to the earlier stages of the dispute, the quarrel sank into a bitter personal wrangle, an ignoble strife which left to later generations no great example, no fruitful precedent, no victory won for liberty or order, for Church or State.

Henry was at first studiously moderate. He wished to submit entirely to the Pope; he was the most devout son of the Church; if the Pope would but settle this one dispute, the kingdom and the clergy would henceforth rejoice under a good king and an excellent bishop. The sharp pressure of immediate danger, however, no less than his own imperious habit, made moderation difficult. France was openly hostile. The princes of Wales had risen in a general rebellion. Threatened with a double danger he was driven by irritation and alarm into an outburst of personal vengeance. The revenues of Canterbury were confiscated; the name of the archbishop was struck out from the prayers of the Church. In the January of 1165 a royal order drove into exile all the relations and dependants of Thomas;

and as men, women, and children toiled through the winter cold to Pontigny, they spread far and wide fresh anger against the tyrant and fresh pity for the saint. Clergy and laymen were alike forbidden to bring letters of interdict from abroad; no bishop might go out of his kingdom carrying more than his staff; all students were called home. Meanwhile Henry hastened to France and met Louis at Gisors. He boldly threatened to renounce the orthodox attitude he had taken up, and opened negotiations with the Emperor and the anti-Pope. The king's threats served their purpose. War in France was for the moment averted; and Henry hurried back to England, bringing with him the greatest army that had ever yet been gathered against Wales. But the year closed in gloom. The Welsh expedition ended disastrously. In September he returned to London to prepare for new difficulties. A son had been born to the king of France, and the whole question of the succession to the realm was immediately changed. Henry's presence was urgently needed in his foreign dominions, which were threatened at once by fear of internal revolt and of French invasion; and, meanwhile, the administration of England was still in disorder. Two years had passed since the failure of his effort for reform at Clarendon; and in the hurry of negotiations, of wars, of political intrigues, all other questions had been laid aside. He was resolved not to leave England again to confusion, nor to trust the work of reform to any other hand than his own. In February 1166 he drew up his long-delayed scheme. His plans were rapidly completed; by the 16th of March the new system was at work.

Such were the conditions under which appeared the famous Assize of Clarendon. For the first time in English history a code of laws was issued by the sole authority of the king, without any appeal to the sanction of binding and immutable "custom." Indeed, in all Europe there was no instance of national legislation which could be compared with it, for it was not till a hundred years later that the first code of laws since the time of the Carolingian Capitularies was drawn up in France. Its very name bears witness to the impression it made in its own day. The word "law" was still reserved for certain solemn uses, for the unalterable code of Scripture or for the Roman law. Men questioned what to call this new decree, given at the king's will, and to be enforced just so long as he should choose, and their jealous conservatism took refuge in the word "assize," as later generations in the same difficulty fell back on such words as "provision," "statute," "ordinance."

The Constitutions of Clarendon two years before had lain down the principles which were to regulate the relations in England of Church and State. The Assize of Clarendon laid down the principles on which the administration of justice was to be carried out. Just as Henry had undertaken to bring Church courts and Church law under the king's control, so now he aimed at bringing all local and rival jurisdictions whatever into the same obedience. In form the new law was simple enough. It consisted of twenty-two articles which were drawn up for the use of the judges who were about to make their circuits of the provinces. The first articles described the manner in which criminals were to be "presented" before the justices or sheriff. The accusa-

tion was to be made by "juries," composed of twelve men of the hundred and four men of the township; the "presentment" of a criminal by a jury such as this practically implied that the man was held guilty by the public report of his own neighbourhood, and he was therefore forbidden such chance of escape as compurgation or the less dangerous forms of ordeal might have afforded, and was sent to the almost certain condemnation of the ordeal by water; if by some rare fortune he should escape from this alive he was banished from the kingdom as a man of evil reputation. All freemen were ordered to attend the courts held by the justices. The judges were given power to enter on all estates of the nobles, to see that the men of the manor were duly enrolled under the system of "frank-pledge," in groups of ten men bound to answer for one another as "pledges" for all purposes of police. Strict rules were made to prevent the possible escape of criminals. The sheriffs were ordered to aid one another in carrying the hue and cry after them from one country to another; no "liberty" or "honour" might harbour a malefactor against the king's officers; sheriffs were to give to the justices in writing the names of all fugitives, so that they might be sought through all England; everywhere jails, in which doubtful strangers or suspected rogues might be shut up for safe keeping in case the "hue and cry" should be raised after them, were to be made or repaired with wood from the king's or the nearest landowner's domains; no man might entertain a stranger for whom he would not be answerable before the justices; the old English law was again repeated in the very words of ancient times, that none might take into his house a waif or

wanderer for more than one night unless he or his horse were sick; and if he tarried longer he must be kept until he were redeemed by his lord or could give safe pledges; no religious house might receive any of the mean people into their body without good testimony as to character unless he were sick unto death; and heretics were to be treated as outlaws. These last indeed were not very plentiful in England, and the over-anxious legislators seem only to have had in view a little band of German preachers, who had converted one woman, and who had themselves at a late council at Oxford been branded, flogged, and driven out half-naked, so that there was by this time probably not one who had not perished in the cold.

Such was the series of regulations that opened the long course of reforms by which English law has been built up. Two judges were sent during the next spring and summer through the whole of England. The following year there was a survey of the forests, and in 1168 another circuit of the shires was made by the barons of the Exchequer. Year by year with unbroken regularity the terrible visitation of the country by the justices went on. The wealth of the luckless people poured into the king's treasury; the busy secretaries recorded in the Rolls a mass of profits unknown to the accounts of earlier days. The great barons who presided over the Shire courts found themselves practically robbed of power and influence. The ordinary courts fell into insignificance beside those summoned by the king's judges, thronged as they were with the crowd of rich and poor, trembling at the penalty of a ruinous fine for non-attendance or full of a newly-kindled hope of jus-

tice. Important cases were more and more withdrawn from the sheriffs and given to the justices. They entered the estates of the nobles, even the franchises, liberties, and manors which had been freed from the old courts of the shire or hundred; they reviewed their decisions and interfered with their judgments. It is true that the system established in principle was but gradually carried into effect, and the people long suffered the tyranny of lords who maintained their own prisons. Half a century later we find sturdy barons setting up their tumbrils and gallows. In the reign of Edward I. there were still thirty-five private gallows in Berkshire alone, and when one of them was by chance or age broken down, and the people refused to set it up again, the baron could still make shift with the nearest oak. But as a system of government feudalism was doomed from the day of Henry's Assize, and only dragged out a lingering existence till the legislation of Edward I. dealt it a final blow.

The duties of police were at that time performed by the whole population, and the judges' circuits brought home sharply to every man the part he was expected to play in the suppression of crime. Juries were fined if they had not "presented" a due amount of criminals; townships were fined if they had not properly pursued malefactors; villages were fined if a hut was burned down and the hue and cry was not raised, or if a criminal who had fled for refuge to their church escaped from it. A robber or murderer must be paid for by his "pledge," or if he had no pledge, a fine fell on his village or township; if a dead body were found and the slayer not produced, the hundred must pay for him, unless a legal

form, called "proving his Englishry," could be gone through—a condition which was constantly impossible; the township was fined if the body had been buried before the coming of the coroner; abbot or knight or householder was heavily taxed for every crime of serf or hired servant under him, or even for the offences of any starving and worn-out pilgrim or traveller to whom he had given a three days' shelter. In the remotest regions of the country barons and knights and freeholders were called to aid in carrying out the law. The "jurors" must be ready at the judges' summons wherever and whenever they were wanted. They must be prepared to answer fully for their district; they must expect to be called on all sorts of excuses to Westminster itself, and no hardships of the journey from the farthest corner of the land might keep them back. The "knights of the shire" were summoned as "recognitors" to give their testimony in all questions of property, public privilege, rights of trade, local liberties, exemption from taxes; if the king demanded an "aid" for the marriage of his daughter or the coming of age of his son, they assessed the amount to be paid; if he wanted to count an estate among the royal Forests, it was they who decided whether the land was his by ancient right. They were employed too in all kinds of business for the Court; they might be sent to examine a criminal who had fled to the refuge of a church, or to see whether a sick man had appointed an attorney, or whether a litigant who pleaded illness was really in bed without his breeches. If in any case the verdict of the Shire Court was disputed, they were summoned to Westminster to repeat the record of the county. No people probably

ever went through so severe a discipline or received so efficient a training in the practical work of carrying out the law, as was given to the English people in the hundred years that lay between the Assize of Clarendon in 1166 and the Parliament summoned by De Montfort in 1265, where knights from every shire elected in the county court were called to sit with the bishops and great barons in the common Parliament of the realm.

In the pitiless routine of their work, however, the barons of the Exchequer were at this early time scarcely regarded as judges administering justice so much as tax-gatherers for a needy treasury. Baron and churchman and burgher alike saw every question turn to a demand of money to swell the royal Hoard; jurors were fined for any trifling flaw in legal procedure; widows were fined for leave to marry, guardians for leave to receive their wards; if a peasant were kicked by his horse, if in fishing he fell from the side of his boat, or if in carrying home his eels or herrings he stumbled and was crushed by the cart-wheel, his wretched children saw horse or boat or cart with its load of fish which in older days had been forfeited as "deodand" to the service of God, now carried off to the king's Hoard; if a miller was caught in the wheel of his mill the sheriff must see the price of it paid to the royal treasury. In the country districts where coin was perhaps scarcely ever seen, where wages were unknown, and such little traffic as went on was wholly a matter of barter, the peasants must often have been put to the greatest straits to find money for the fines. Year after year baron as well as peasant and farmer saw his waggons and horses, or his store of honey, eggs, loaves, beer, the fish from his pond or the fowls

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from his yard, claimed by the purveyors who provided for the judges and their followers, and paid for by such measures and such prices as seemed good to the greedy contractors. The people at large groaned under the heavy burden of fines and penalties and charges for the maintenance of an unaccustomed justice. When in the visitations of 1168 the judges had to collect, besides the ordinary dues, an "aid" for the marriage of the king's eldest daughter, the unhappy tax-payers, recognizing in their misery no distinctions, attributed all their sufferings to the new reform, and saw in their king not a ruler who desired righteous judgment, but one who only thirsted after gain. The one privilege which seemed worth fighting for or worth buying was the privilege of assessing their own fines and managing their own courts. Half a century later we see the prevailing terror at a visit of the judges to Cornwall, when all the people fled for refuge to the woods, and could hardly be compelled or persuaded to come back again. Yet later the people won a concession that in time of war no circuits should be held, so that the poor should not be utterly ruined.

Oppression and extortion had doubtless been well known before, when the sheriff carried on the administration of the law side by side with the lucrative business of "farming the shires;" but it was at least an irregular and uncertain oppression. The sheriff might himself at any moment share the fate of one of his own victims and a more merciful man stand in his place; in any case bribes were not unavailing, and there was still an appeal to the king's justice. But against the new system there was no appeal; it was orderly, methodical, unrelenting; it was backed by the whole force of the kingdom; it

overlooked nothing; it forgot nothing; it was comparatively incorruptible. The lesser courts, with their old clumsy procedure, were at a hopeless disadvantage before the professional judges, who could use all the new legal methods. If a man suffered under these there was none to plead his cause, for in all the country there was not a single trained lawyer save those in the king's service. However we who look back from the safe distance of seven hundred years may see with clearer vision the great work which was done by Henry's Assize, in its own day it was far from being a welcome institution to our unhappy forefathers. There was scarcely a class in the country which did not find itself aggrieved as the king waged war with the claims of "privilege" to stand above right and justice and truth. But all resistance of turbulent and discontented factions was vain. The great justiciars at the head of the legal administration, De Lucy and Glanville, steadily carried out the new code, and a body of lawyers was trained under them which formed a class wholly unknown elsewhere in Europe. Instead of arbitrary and conflicting decisions, varying in every hundred and every franchise according to the fashion of the district, the judges of the Exchequer or Curia Regis declared judgments which were governed by certain general principles. The traditions of the great administrators of Henry's Court were handed down through the troubled reigns of his sons; and the whole of the later Common law is practically based on the decisions of two judges whose work was finished within fifty years of Henry's death, and whose labours formed the materials from which in 1260 Bracton drew up the greatest work ever written on English law.

There was, in fact, in all Christendom no such system of government or of justice as that which Henry's reforms built up. The king became the fountain of law in a way till then unknown. The later jealousy of the royal power which grew up with the advance of industrial activity, with the growth of public opinion and of its means of expressing itself, with the development of national experience and national self-dependence, had no place in Henry's days, and had indeed no reason for existence. The strife for the abolition of privileges which in the nineteenth century was waged by the people was in the twelfth century waged by the Crown. In that time, if in no other, the assertion of the supreme authority of the king meant the assertion of the supreme authority of a common law; and there was, in fact, no country in Europe where the whole body of the baronage and of the clergy was so early and so completely brought into bondage to the law of the land. Since all courts were royal courts, since all law was royal law, since no justice was known but his, and its conduct lay wholly in the hands of his trained servants, there was no reason for the king to look with jealousy on the authority exercised by the law over any of his officers or servants. It may possibly be due to this fact that in England alone, of all countries in the world, the police, the civil servants, the soldiers, are tried in the same courts and by the same code as any private citizen; and that in England and lands settled by English peoples alone the Common law still remains the ultimate and only appeal for every subject of the realm.

But the power which was taken from certain privileged classes and put in the hands of the king was in effect by

Henry's Assize given back to the people at large. Foreigner as he was, Henry preserved to Englishmen an inheritance which had been handed down from an immemorial past, and which had elsewhere vanished away or was slipping fast into forgetfulness. According to the Roman system, which in the next century spread over Europe, all law and government proceeded directly from the king, and the subject had no right save that of implicit obedience; the system of representation and the idea of the jury had no place in it. Teutonic tradition, on the other hand, looked upon the nation as a commonwealth, and placed the ultimate authority in the will of the whole people; the law was the people's law—it was to be declared and carried out in the people's courts. At a very critical moment, when everything was shifting, uncertain, transitional, Henry's legislation established this tradition for England. By his Assize Englishmen were still to be tried in their ancient courts. Justice was to be administered by the ancient machinery of shire-moot and hundred-moot, by the legal men of hundred and township, by the lord and his steward. The shire-moot became the king's court in so far as its president was a king's judge and its procedure regulated by the king's decree; but it still remained the court of the people, to which the freemen gathered as their fathers had done to the folk-moot, and where judgment could only be pronounced by the verdict of the freeholders who sat in the court. The king's action indeed was determined by a curious medley of chance circumstances and rooted prejudices. The canon law was fast spreading over his foreign states, and wherever the canon law came in the civil law followed in its train. But in England local liberties were strong,

the feudal system had never been completely established, insular prejudice against the foreigner and foreign ways was alert, the Church generally still held to national tradition, the king was at deadly feud with the Primate, and was quite resolved to have no customs favoured by him brought into the land; his own absolute power made it no humiliation to accept the maxim of English lawyers that "the king is under God and the law." So it happened that while all the other civilized nations quietly passed under the rule of the Roman code England alone stood outside it. From the twelfth century to the present day the groundwork of our law has been English, in spite of the ceaseless filtering-in of the conceptions and rules of the civil law of Rome. "Throughout the world at this moment there is no body of ten thousand Englishmen governed by a system of law which was not fashioned by themselves."

CHAPTER VII

THE STRIFE WITH THE CHURCH

THE Assize of Clarendon was drawn up in February 1166, and in March Henry sailed for France. Trouble awaited him there on every hand, and during the next two years he had to meet no less than thirteen revolts or wars. Aquitaine declared against the imperial system; loud complaints were raised of Henry's contempt of old franchises and liberties, and of the "officers of a strange race" who violated the customs of the country by orders drawn up in a foreign tongue—the *langue d'oil*, the speech of Norman and Angevin. Maine, Touraine, and Britanny were in chronic revolt. The Welsh rose and conquered Flint. The King of Scotland was in treaty with France. Warring parties in Ireland claimed Henry's interference. England was uneasy and discontented. Louis of France was allied with all Henry's enemies—Gascons, Bretons, Welsh and Scotch; he aided the Count of Flanders and the Count of Boulogne in preparing a fleet of six hundred ships to attack the southern coast of England. The Pope's attitude was cautious and uncertain. When Barbarossa's armies were triumphant in Italy, when Henry's Italian alliances were strong and his bribes were big, Alexander leaned to the king; when success again returned to Rome he looked with more

effectual favour on the demands of the archbishop. The rising tide of disaffection tried the king sorely. It was in vain that he sought to win over the leaders of the ecclesiastical party, the canon lawyers, such as John of Salisbury, or Master Herbert of Bosham, with whom he argued the point at his Easter Court at Angers. John of Salisbury flatly rejected the Constitutions, declaring that his first obedience was due to the Pope and the archbishop. Herbert was yet more defiant. "Look how this proud fellow comes!" said Henry, as the stately Herbert entered in his splendid dress of green cloth of Auxerre, with a richly trimmed cloak hanging after the German fashion to his heels. He was no true servant to the king, declared Herbert when he had seated himself, who would allow him to go astray. As for the customs, there were bad enough customs in other countries against the Church of God, but at least they were not written down either in the lands of the King of France or of the King of the Germans. "Why do you diminish his dignity?" hastily demanded the king, "by not calling him the Emperor of the Germans?" "The King of the Germans he is," retorted Herbert, "though when he writes, he signs '*Imperator Romanorum semper Augustus.*'" "Shame!" cried the king, "here is an outrage! Why should this son of a priest disturb my kingdom and disquiet my peace?" "Nay," said Herbert, "I am not the son of a priest, for it was after my birth my father became a priest; neither is he the son of a king save one whom his father begat being king." "Whosesoever son he may be," cried a baron who sat by, "I would give the half of my land that he were mine!" Henry heard the words bitterly, and held

his peace; and in a few moments ordered the intractable Herbert to depart.

The strife between Church and State was, in fact, taking every day a new harshness. Gregory VII. a century earlier had suggested that kingly power was of diabolic origin. "Who is ignorant that kings and princes have their beginning in this, that knowing not God, they by rapine, perfidy, and slaughter, the devil moving them, affect rule over their equals—that is, over men, with blind greed and intolerable presumption." But the papal theory of a vast Christian republic of all peoples, under the leadership of Rome, found little favour with the kings of the rising states which were beginning to shape themselves into the great powers of modern Europe. Henry, steeped in the new temper, proposed a rival theory of the origin of government. "Thou," he wrote to the Pope, "by the papal authority granted thee by men, thinkest to prevail over the authority of the royal dignity committed to me by God." The wisest of the churchmen of England used more sober language than all this. "Ecclesiastical dignity," wrote Ralph of Diceto, later the Dean of St. Paul's, "rather advances than abolishes royal dignity, and the royal dignity is wont rather to preserve than to destroy ecclesiastical liberty, for kings have no salvation without the Church, nor can the Church obtain peace without the protection of the king." To the fiery zeal of the archbishop, on the other hand, the secular power was as "lead" compared to the fine "gold" of the spiritual dignity. Henry, he cried loudly, was a "tyrant"—a word which to mediæval ears meant not an arbitrary or capricious ruler, since that was the admitted right of

every ruler, but a king who governed without heeding the eternal maxims of the "law of nature," an idea which theologians had borrowed from the theories of the ancient law of Rome, and modified to mean the law of Scripture or of the Church. But in the arguments of Thomas this law took the narrowest proportions, with no wider interpretation than that given by the pedantic temper of a fanatical ecclesiastical politician. He fought his battles too often by violent and vulgar methods, and Henry reaped the profit of his errors. How far our national solution of the problem raised between Church and State might have been altered or delayed if the claims of the Church had at this moment been represented by a leader of supreme moral and spiritual authority, it is hard to say. But Thomas was far from being at the highest level of his own day in religious thought. When some years later the holy Hugh of Lincoln forbade his archdeacons and their officers to receive fines instead of inflicting penance for crimes, he was met by the objection that the blessed archbishop and martyr Thomas himself had taken fines. "Believe me," said Hugh, "not for that was he a saint; he showed other marks of holiness, by another title he won the martyr's palm."

In the spring of 1166 Thomas was appointed Papal Legate for England, and he at once used his new authority to excommunicate in June all the king's chief agents—Richard of Ilchester, John of Oxford, Richard de Lucy, Jocelyn of Bailleul—while the king himself was only spared for the moment that he might have a little space for repentance. Rumour asserted too that the Primate acted as counsellor to the foreign enemies of England, declaring that he would either restore himself to his see

or take away Henry's crown. He saw with delight the growing irritation of England under its sufferings after the Assize of Clarendon; ancient prophecies of Merlin's which foretold disaster were on his lips, and he grew yet more defiant in his sense of the king's impending ruin. The pride and temper of Henry kept pace with those of Thomas. He became more and more fierce and uncompromising. In answer to the excommunications he forced the Cistercians in 1166, by threats of vengeance in England, to expel Thomas from Pontigny. When papal legates arrived in 1167 with proposals for mediation, he bluntly expressed his hope that he might never see any more cardinals. His political activity was unceasing. He completed the conquest of Britanny, and concluded a treaty of marriage between his son Geoffrey and its heiress Constance. The Count of Blois was won at a cost of £500 a year. Mortain was bought from the Count of Boulogne. "Broad and deep ditches were made between France and Normandy." A frontier castle was raised at Beauvoir. His second son Richard, then twelve years old, was betrothed to Louis's daughter Adela; and his daughter Eleanor to the King of Castile. He secured the friendship of Flanders. He was busy building up a plan of Italian alliances and securing the passes over the Alps. Milan, Parma, Bologna, Cremona, the Marquis of Montferrat, the barons of Rome, all were won by his lavish pay. The alliance of Sicily was established by the betrothal of his daughter with its king. The states of the Pope were being gradually hemmed in between Henry's allies to north and south. The threat of an imperial alliance was added to hold his enemies in awe. In the spring of 1168 his eldest daughter was

married to the Emperor's cousin, Henry the Lion, the national hero of Germany, second only to Barbarossa in power, Duke of Bavaria, Duke of Saxony, Lord of Brunswick, and of vast estates in Northern Germany, with claims to the inheritance of Tuscany and of the Lombard possessions of the House of Este. For the purpose of a judicious threat, he even entertained an imperial embassy which promised him armed help and urged him to recognize the anti-Pope, whose first act, as both Henry and Thomas well understood, would have been the deposition of the archbishop.

At last the moment seemed come, not only to win a peace with France, but to carry out a long-cherished scheme for the ordering of the Angevin Empire. He met the King of France at Montmirail on the feast of the Epiphany, January 6, 1169, and the mighty Angevin ruler bowed himself before his feebler suzerain lord to renew his homage. "On this day, my lord king, on which the three kings offered gifts to the King of kings, myself, my sons, and my land, I commend to your keeping." His continental estates were divided among his sons, to be held under his supreme authority. The eldest, Henry, who had in 1160 done homage to Louis for Normandy, now did homage for Anjou, Maine, and Britanny. Richard received Aquitaine, and Geoffrey was set over Britanny under his elder brother as overlord. This division of Henry's dominions by no means implied any intention on the king's part of giving up the administration of the provinces. It was but the first step towards the realization of his imperial system, by which he was to reign as supreme lord, surrounded by the sub-rulers of his various provinces. Harassed as he

had been with ceaseless wars, from the Welsh mountains to the Pyrenees, he might well believe that such a system would best provide for the defence of his unwieldy states; "When he alone had the rule of his kingdom," as he said later, "he had let nothing go of his rights; and now, when many were joined in the government of his lands, it would be a shame that any part of them were lost." In the difficulties of internal administration the system might prove no less useful. That any serious difference of interest could arise between himself and the sons whom he loved "more than a father," Henry could never, then or afterwards, believe. He rather trusted that a wise division of authority between them might secure the administrative power in the royal house, and prevent the growth of excessive influence among his ministers. But for all his hopes, the treaty of Montmirail was in fact a crowning triumph for France; it was virtually the first breaking up of the Empire, and had in it the seeds of Henry's later ruin.

There was another side to the treaty. Henry and Thomas met at Montmirail for the first time since the council of Northampton over four years before, to renew a quarrel in which no terms of peace were possible. The old hopeless dispute raged afresh, the king demanding a vow to obey the "customs of the kingdom," Thomas insisting on his clause "saving my order," "saving the honour of God." The former weary negotiations began again; new envoys hurried backwards and forwards; interminable letters argued the limits of the temporal and spiritual powers in phrases which lost nothing of their arrogance from the fact that neither side had the power to enforce their claims. The Primate would have

no moderate counsels. "Believe me," Thomas wrote of Henry, "who know the manners of the man, he is of such a disposition that nothing but punishment can mend." He excommunicated the bishops of London and Salisbury and a number of clerks and laymen, till in the chapel of the king there was scarcely one who was able to give him the kiss of peace. Henry "shook with fear," according to the boast of Thomas, at the excommunications. In vain the Pope sought to moderate his zeal. In the summer of 1169 two legates were sent to settle the dispute, of whom one was pledged to the king and the other to the archbishop. Henry, like every one else, saw the futility of their mission, and "led them for a week," as one of them complained, "through many windings both of road and speech." With a scornful taunt that "he did not care an egg for them and their excommunications," he finally mounted his horse to ride off from the conference. "I see, I see!" he said to the frightened bishops who hurried after him to call him back; "they will interdict my land, but surely I who can take the strongest of castles in any single day, shall I not avail to scotch a single clerk if he should interdict my land!" When a compromise seemed possible, he suddenly added to the form of peace he had proposed the words, "saving the dignity of my kingdom." This broke off all negotiations. "The dignity of the kingdom," said Thomas, "was only a softer name for the Constitutions of Clarendon." "If the king," said John of Salisbury, "had obtained the insertion of this clause, he had carried the royal customs, only changing the name." A new attempt at reconciliation was made in November at Montmartre, but Henry refused to give the

Primate the "kiss of peace," which in feudal custom was the binding sign of perfect friendship; and when the Pope thought to compel his submission, first by threats and promises, then by a formal threat of interdict, he answered by despatching very decided orders to England. Any one who carried an interdict to England was to suffer as a traitor; all clerks were summoned home from abroad; none might leave the kingdom without an order from the king; if any man should observe an interdict he was to be banished with all his kindred. All appeal to Pope or archbishop was forbidden; no mandate might be carried to Pope or archbishop; if any man favoured Pope or archbishop his goods and those of his kindred should be confiscated. All subjects of the realm, from boys to old men, must swear obedience to these articles.

But if Henry had long been used to see his mere will turn into absolute law, he had now reached a point where the submission of his subjects broke down. The laity indeed obeyed, but the clergy, with the Archbishop of York at their head, absolutely refused to abjure obedience to Pope and Primate. Throughout the strife the leading clergy had sought to avoid taking sides, but as the king's attitude became more and more arbitrary, a steady undercurrent of resistance made itself felt. As early as 1166 the king's officer, Richard of Ilchester, sought counsel of Ralph of Diceto as to the duty of observing his excommunication by Thomas. The answer shows the nobler influence of the Church in maintaining the rigid rule of law as opposed to arbitrary government, and its large sense that general order was to be preferred to private good. He laid down that an archbishop's spiritual rights are indestructible; that in all cases submission to law

was the highest duty; and that it was better humbly to accept even a harsh sentence than to set an evil example of disobedience by which others might be led to their ruin. In 1167 the clergy had been called to London to swear fealty to the anti-Pope; but "as the bishops refused to take so detestable an oath against God and the Pope, this unlawful and wicked business came to an end." The bishops had obeyed the excommunication of Foliot by the Primate; they had refused to join in his appeal to Rome or to hold communion with him. It now seemed as though in this last decree of 1169 Henry had reached the limits of his authority over the Church, and it may be that some sense of peril induced him at the Pope's orders to summon Thomas to Normandy to renew negotiations for the peace of Montmartre. But the meeting never took place. Before Thomas could reach Caen he was stopped by news that Henry had suddenly left for England. In the midst of a terrible storm the king crossed the Channel on the 3d of March 1170, and barely escaping with his life, landed at Portsmouth after four years' absence.

So sudden was his journey that a rumour spread that he had fled over sea to avoid the interdict proclaimed by Thomas. But during his absence trouble had been steadily growing in England. In his sore straits for money during these last years, Henry could not always be particular as to means. Jews were robbed and banished; the bishopric of Lincoln was added to the half-dozen sees already vacant, and its treasure swept into the royal Hoard; an "aid" was raised for the marriage of his daughter, and a terrible list of fines levied under the Assize of Clarendon. The sums raised

told, in fact, of the general increase of wealth. The national income, which at the beginning of Henry's reign had been but £22,000, was raised in the last year to £48,000, and an enormous treasure had been accumulated, said to be equal to 100,000 marks, or, by another account, to be worth £900,000. The increase of trade was shown by the growing numbers of Jews, the bankers and usurers of the time. At the beginning of Henry's reign they were still so few that it was possible to maintain a law which forbade their burial anywhere save in one cemetery near London. Before its close their settlements were so numerous that Jewish burial-grounds had to be established near every great town. Their banking profits were enormous, and Christians who saw the wages of sin heaped up before their eyes, looked wistfully at a business forbidden by the ecclesiastical standard of morals of that day.

The towns were stirred with a new activity. London naturally led the way. The very look of the city told of its growing wealth. Till now the poor folk in towns found shelter in hovels of such a kind that Henry II. could order that the houses of heretics should be carried outside the town and burned. But the new wealth of merchant and Jew and trader was seen in the "stone houses," some indeed like "royal palaces," which sprang up on every hand, and offered a new temptation to house-breakers and plunderers of the thickly-peopled alleys. The new cathedral of St. Paul's had just been built. The Tower and the palace at Westminster had been repaired by the splendid extravagance of Chancellor Thomas, and the citizens, impatient of the wooden bridge that spanned the river, were on the point of beginning the "London

Bridge" of stone. In the next quarter of a century merchants of Köln had their guild-hall in the city, while merchants of the Empire were settled by the river-side in the hall later known as the Steel Yard. Already charters confirmed to London its own laws and privileges, and only three or four years after Henry's death its limited freedom was exchanged for a really municipal life under a mayor elected by the citizens themselves. Oxford too, at the close of Henry's reign, was busy replacing its old wooden hovels with new "houses of stone"; and could buy from Richard a charter which set its citizens as free from toll or due as those of London, and gave them, instead of the king's bailiff, a mayor of their own election, under whom they could manage their own judicial and political affairs in their own Parliament. Winchester, Northampton, Norwich, Ipswich, Doncaster, Carlisle, Lincoln, Scarborough, York, won their charters at the same time—bought by the wealth which had been stored up in the busy years while Henry reigned. A chance notice of Gloucester shows us its two gaols—the city gaol which the citizens were bound to watch, and the castle prison of the king. The royal officers marked by their exactions the growth of the town's prosperity, and no longer limited themselves to time-honoured privileges of extortion. Bristol could claim its own coroners; it could assert its right to be free of frank-pledge; its burghers were in 1164 taken under the king's special patronage and protection; in 1172 he granted them the right of colonizing Dublin and holding it with all the liberties with which they held Bristol itself, to the wrath of the men of Chester who had long been rivals of the Bristol men, and who hastened to secure a royal writ ordering

that they should be as free to trade with Dublin as they had ever been, for all the privileges of Bristol. Its merchants were fast lining the banks of the Severn with quays, and a later attempt to hinder them by law was successfully resisted. The new commercial spirit soon quickened alike the wits of royal officers and burghers. The weavers did not keep to the legal measure for the width of cloth. The woad-sellers no longer heaped up their measures, as of old, above the brim. The constables on their side began to demand outrageous dues on the sale of herrings, and what was more, whereas of old heavy goods, such as wood, hides, iron, woad, were sold outside the fair and escaped dues, now the constable of the castle insisted on tolls for every sale even without the bounds—a pound of pepper, or even more, had to go into his hand. The citizens of Lincoln had canalized the Witham, and built up embankments for thirty miles. In Lynn we have an illustration of the rapid development of the trading towns. As early as the beginning of the century its owner, the Bishop of Norwich, had seen its advantages, lying as it did at the mouth of the Ouse, and forming the only outlet for the trade of seven shires. It was not long before the prudent bishops had made of it the Liverpool of mediæval times. The Lynn of older days, later known as "King's Lynn," with its little crowded market shut in between Guildhall and Church, the booths then as now leaning against the church walls, and a tangle of narrow lanes leading to the river-side, was in no way fit for the great demands of an awakened commerce; its life went on as of old, but the sea was driven back by a vast embankment, and the "Bishop's Lynn" rose on the newly-won land along the river-bank,

with its great market-place, its church, its jewry, its merchant-houses, and its guild-houses; and soon, in the thick of the busiest quarter, by the wharves, rose the "stone house" of the bishop himself, looking closely out on the "strangers' ships" that made their way along the Ouse laden with provisions and with merchandise.

But this growing wealth was still mainly confined to the towns. The great bulk of the country was purely agricultural, and had no concern in any questions of trade. There is a record of over five hundred pleas of the Crown in Gloucestershire fifty years later, and among all these there is outside the *town* of Gloucester but one case which deals with the lawful width for weaving cloth, and one or two as to the sale of bread, ale, or wine. The agricultural peasants seem, from the glimpses which we catch here and there, to have for the most part lived on the very verge of starvation. Every few years with dreary regularity we note the chronicler's brief record of cattle-plague, famine, pestilence. Half a century later we read in legal records the tale of a hard winter and its consequences—the dead bodies of the famine-stricken serfs lying in the fields on every side, and the judges of the King's Court claiming from the starving survivors the "murder-fine" ordained by law to be paid for every dead body found when the murderer was not produced. The system of cultivation was ignorant and primitive. Rendered timid by the repeated failure of crops, the poor people would set aside a part of their land to sow together oats, barley, and wheat, in the hope that whatever were the season something would come up which might serve for the rough black bread which was their main food. The low wet grounds were still undrained,

and the number of cases of eye-disease which we find in the legends of miraculous cures point to the prevalence of ophthalmia brought on by damp and low living, as the army of lepers points to the filth and misery of the poor. The "common fields" and pastures of the villages must have lain on the higher grounds which were not mere swamps during half the year. But to these a dry season brought ruin. In time of drought the cattle had to be driven five or six miles to find water in the well or pool which served for the whole district. If by any chance disease broke out, the wearied beasts that met at the watering or drank of the tainted pool carried it far and wide, and plague soon raged from end to end of the country. Even in the days of Henry VIII. shrewd observers noted that the new grazing farms, where the cattle were better fed and kept separate, alone escaped these ravages, and that it was these farms whence came the only meat to be found in the country through the long winter months or in time of murrain. This purpose was doubtless served earlier by the great monastic estates, but means of transport scarcely existed; each district had to live on its own resources, and vast tracts of country were with every unfavourable season stricken by hunger and by the plague and famine fever that followed it.

One source of later misery was indeed unknown. The war of classes had not yet begun. The lawyers had not been at work hardening and defining vague traditions, and legally the position of the serf was far better than it was a hundred years later. The feudal system still preserved relations between the lord and his dependents, which were more easy and familiar than anything we

know. The lord of the manor had not begun to encroach on the privileges or the "common" rights of the tenant, nor had the merchant guilds of the towns attacked the liberties of the craftsmen and lesser folk. For a century to come the battle for lands or rights was mainly waged between the lord or the men of one township or manor with the men of a neighbouring township or manor; and it was not till these had fairly ended their quarrel that lords and burghers turned to fight against the liberties and privileges of serfs and craftsmen. There are indications, on the other hand, that one effect of the new administration of justice, as it told on the poor, began early to show itself in the growth of an "outlaw" class. Crimes of violence were surprisingly common. Dead bodies were found in the wood, in the field, in the fold, in the barn. In an extraordinary number of cases the judges' records of a little later time tell of houses broken into by night and robbed, and every living thing within them slain, and no clue was ever found to the plunderers. There were stories in Henry's days of a new crime—of men wearing religious dress who joined themselves to wayfarers, and in such a case the traveller was never seen again alive. Tales of Robin Hood began to take shape. The by-ways and thickets were peopled with men, innocent or guilty, but all alike desperate. One Richard, we read, whose fellow at the plough fell dead in an epileptic fit, fled in terror of the judges to the woods, and so did many a worse man than Richard. We find constantly the same tale of the sudden quarrel, the blow with a stick or a stone, the thrust with the knife which every man carried, the stroke with a hatchet. Then the slayer in his panic flies to a nun's garden, to a

monastery, or to the shelter of a church, where the men of the village keep guard over him till knights of the shire are sent from the Court, to whom he confesses his crime, and who allow him so many days to fly to the nearest port and forsake the kingdom. Perhaps he never reaches the coast, but takes to the woods, already haunted by "abjurors" like himself, or by outlaws flying from justice. In the social conditions of the England of that day the administration of justice was, in more ways than one, a very critical matter, and the efforts of over-zealous judges and sheriffs might easily end in driving the people to desperation before the severity of the law, or in crushing out under a heedless taxation a prosperity which was still new and still rare.

Henry perhaps already saw the deep current of discontent which only a year later was to break out in the most terrible rebellion of his reign. In any case the severity of the measures which he took shows how serious he thought the crisis. After his landing in March 1170 one month was given to inquiry as to the state of the country. In the beginning of April he held a council to consider the reform of justice. A commission was appointed to examine, during the next two months, every freeholder throughout the kingdom as to the conduct of judges and sheriffs and every other officer charged with the duty of collecting or accounting for the public money. Its members were chosen from among the most zealous opponents of the Court officials—the great barons, the priors, the important abbots of the shires and they were all men who had no connection with the Exchequer or the Curia Regis. Their work was done, and their report presented within the time

allowed; but the king, practical, businesslike, impatient of abuses, like every vigorous autocratic ruler, had no mind to wait two months to redress the grievances of his people. The barons who had been appointed as sheriffs at the opening of his reign had governed after the old corrupt traditions, or perhaps themselves suffering under the ruthless pressure of the barons of the Exchequer, had been driven to a like severity of extortion. By an edict of the king every sheriff throughout the country was struck from his post; of the twenty-seven only seven were restored to their places, and new sheriffs were appointed, all of whom save four were officers of the King's Court. The great local noble who had lorded it as he chose over the suitors of the Court for fifteen years, and fined and taxed and forfeited as seemed good to him, suddenly, without a moment's warning, saw his place filled by a stranger, a mere clerk trained in the Court among the royal servants, a simple nominee of the king; he could no longer doubt that the royal supremacy was now without rival, without limit, irresistible, complete. Such an act of absolute authority had indeed, as Dr. Stubbs says, "no example in the history of Europe since the time of the Roman Empire, except possibly in the power wielded by Charles the Great."

Nor was this Henry's only act of high-handed government. On the 10th of April he called a council to London to consult about the coronation of his son. It was a dangerous innovation, against all custom and tradition, for no such coronation of the heir in his father's lifetime had ever taken place in England. But Henry was no mere king of England, nor did he greatly

heed barbaric or insular prejudice when he had even before his eyes the example not only of the French Court, but of the Holy Roman Empire. The coronation was a necessary step in the completion of the plan unfolded at Montmirail for the ordering of the second empire of the West. Moreover, the settlement probably seemed to him more imperative than ever from the restlessness and discontent of the land. No king of England since the Conquest had succeeded peaceably to his father. The reign of Stephen had abundantly proved how vain were oaths of homage to secure the succession; and the sacred anointing, which in those days carried with it an inalienable consecration, was perhaps the only certain way of securing his son's right. It may well be, too, that, threatened as he was with interdict, he saw the advantage of providing for the peace and security of England by crowning as her king an innocent boy with whom the Church had no quarrel. The actual ceremony of consecration raised, indeed, an immediate and formidable difficulty. A king of England could be legally consecrated only by the Archbishop of Canterbury. Three years before Henry had forced the Pope, then in extreme peril, to grant special powers to the Archbishop of York to perform the rite, but he had not yet ventured to make use of the brief. Now, however, whether the case seemed to him more urgent, or whether his temper had grown more imperious, he cast aside his former prudence. On the 14th of June the lords and prelates were gathered together "in fear, none knowing what the king was about to decree." The younger Henry, a boy of fifteen, was brought before them; he was anointed and crowned by Roger of York.

From this moment a new era opened in Henry's reign. The young king was now lord of England, in the view of the whole mediæval world, by a right as absolute and sacred as that of his father. All who were discontented and restless had henceforth a leader ordained by law, consecrated by the Church, round whom they might rally. Delicate questions had to be solved as to the claims and powers of the new king, which never in fact found their answer so long as he lived. Meanwhile Henry had raised up for himself a host of new difficulties. The archbishop had a fresh grievance in the king's reckless contempt of the rights of Canterbury. The Church party both in England and in Europe was outraged at the wrong done to him. Many who had before wavered, like Henry of Blois, now threw themselves passionately on the side of Thomas. In the fierce contention that soon raged round the right of the archbishop to crown the king, and to deal as he chose with any prelate who might infringe his privileges, all other questions were forgotten. Not only the zealots for religious tradition, but all who clung loyally to established law and custom, were thrown into opposition. The French king was bitterly angry that his daughter had not been crowned with her husband. All Henry's enemies banded themselves together in a frenzy of rage. So immediate and formidable was the outburst of indignation that ten days after the coronation the king no longer ventured to remain in England; and on the 24th of June he hastily crossed the Channel. Near Falaise he was met by the bishop of Worcester, who had supported him at Northampton. The king turned upon him passionately, and broke out in angry words, "Now it is plain that thou art

a traitor! I ordered thee to attend the coronation of my son, and since thou didst not choose to be there, thou hast shown that thou hast no love for me nor for my son's advancement. It is plain that thou favourest my enemy and hatest me. I will tear the revenues of the see from thy hands, who hast proved unworthy of the bishopric or any benefice. In truth thou wert never the son of my uncle, the good Count Robert, who reared me and thee in his castle, and had us there taught the first lessons of morals and of learning." Earl Robert's son, however, was swift in retort. He vehemently declared he would have no part in the guilt of such a consecration. "What grateful act of yours," he cried, "has shown that Count Robert was your uncle, and brought you up, and battled with Stephen for sixteen years for your sake, and for you was at last made captive? Had you called to mind his services you would not have driven my brothers to penury and ruin. My eldest brother's tenure, given him by your grandfather, you have curtailed. My youngest brother, a stout soldier, you have driven by stress of want to quit a soldier's life and give himself to the perpetual service of the hospital at Jerusalem, and don the monk's habit. Thus you know how to bless those of your own household! Thus you are wont to reward those who have deserved well of you! Why threaten me with the loss of my benefice? Be it yours if it suffice you not to have already seized an archbishopric, six vacant sees, and many abbeys, to the peril of your soul, and turned to secular uses the alms of your fathers, of pious kings, the patrimony of Jesus Christ!" All this abuse, and much more besides, the angry bishop poured out in the hearing

of the knights who were riding on either side of the king. "He fares well with the king since he is a priest," commented a Gascon; "had he been a knight he would leave behind him two hides of land!" Some one else, thinking to please the king, abused the bishop roundly. Henry, however, turned on him with an outburst of rage. "Do you think, scoundrel, if I say what I choose to my kinsman and my bishop, that you or any one else are at liberty to dishonour him with words and persecute him with threats? Scarce can I keep my hands from thy eyes!"

The king well understood, indeed, in what a critical position matters stood. He swiftly agreed to every conceivable concession on every hand. He met the papal messengers and bent to their terms of reconciliation. On the 20th of July he had a conference with Louis near Fréteval in Touraine, and next day the kings parted amicably. On the 22d an interview between the king and the archbishop followed. The royal customs were not mentioned; no oath was exacted from the Primate; he was promised safe return and full possession of his see, and the "kiss of peace"; he was to crown once more the young king and his wife. At the close of the conference Thomas lighted from his horse to kiss the king's foot, but Henry, rivalling him in courtesy, dismounted to hold the Primate's stirrup, with the words, "It is fit the less should serve the greater!" But if there was a show of peace "the whole substance of it consisted only in hope," as Thomas wrote. Each side was full of distrust. Thomas demanded immediate restitution of his see, and liberty to excommunicate the bishops who had shared in the coronation. Henry

wanted first to see "how Thomas would behave in the affairs of the kingdom." The king and Primate met for the last time in October 1170 at Chaumont with seeming friendliness, but any real peace was as far off as ever. "My lord," said Thomas, as he bade farewell, "my heart tells me that I part from you as one whom you shall see no more in this life." "Do you hold me as a traitor?" asked the king. "That be far from thee, my lord!" answered Thomas. But to the Primate the king's fair promises were but the tempting words of the devil —"all these things will I give thee if thou wilt fall down and worship me." He begged from the Pope unlimited powers of excommunication. "The more potent and fierce the prince is," he said, "the stronger stick and harder chain is needed to bind him and keep him in order." He had warning visions. He spoke of returning to his church "perhaps to perish for her." "I go to England," he said; "whether to peace or to destruction I know not; but God has decreed what fate awaits me."

The king's conduct indeed gave ground for fear. He had summoned clergy abroad against law and custom to elect bishops who, in contempt of the Primate's rights, were to be sent to Rome for consecration. In the general doubt as to the king's attitude, no one dared to speak to envoys sent by Thomas to England. Ranulf de Broc was still wasting the lands of Canterbury; the palace was half in ruins, the barns destroyed, the lands uncultivated, the woods cut down. The Primate's friends urged him to keep out of England for fear of treachery. Thomas, however, was determined to return, and to return with uncompromising defiance. He sent before him letters excommunicating the bishops of London and

Salisbury, and suspending the Bishop of Durham and the Archbishop of York, for having joined in the coronation; and on the following day, under the protection of John of Oxford as the king's officer, he landed at Sandwich. The excommunications had set the whole quarrel aflame again, and John of Oxford with difficulty prevented open fighting. The royal officers demanded absolution for the bishops. Thomas flatly refused unless they would swear to appear at his court for justice, an oath which the bishops in their terror of the king dared not take. They fled to Henry's court in Normandy; while on the 1st of December Thomas passed on to Canterbury. The men of Kent were stout defenders of their customary rights; they clung tenaciously to their special privileges; they had their own views of inheritance, their fixed standard of fines, their belief that the Crown had no right to the property of thief or murderer, who had been hanged—"the father to the bough, the son to the plough," said they, in Kent at least. They were a very mixed population, constantly recruited from the neighbouring coasts. They held the outposts of the country as the advanced guard formally charged with the defence of its shores from foreign invasion, which was a very present terror in those days. Lying near the Continent they caught every rumour of the liberties won by the Flemish towns or French communes; commerce and manufacture were doing their work in the ports and among the iron mines of the forests; and it seems as though the shire very early took up the part it was to play again and again in mediæval history, and even later, as the asserter and defender of popular privileges. From such a temper Thomas was certain to

find sympathy as he passed through the country in triumph. At Canterbury the monks received him as an angel of God, crying, "Blessed be he that cometh in the name of the Lord." "I am come to die among you," said Thomas in his sermon. "In this church there are martyrs," he said again, "and God will soon increase their number." A few days later he made a triumphant progress through London on his way to visit the young king; his fellow-citizens crowded round him with loud blessings, while a procession of three hundred poor scholars and London clerks raised a loud Te Deum as Thomas rode along with bowed head scattering alms on every side. His old pupil Henry refused, however, to receive him, and Thomas returned to Canterbury.

News of all these things travelled fast to the king in Normandy. The excommunicated bishops, falling at his feet, told him of the evil done against his peace; rumour, growing as it crossed the sea, said that the archbishop had travelled through the country with a mighty army of paid soldiers, and had sought to enter into the king's fortresses, and that he was ready to "tear the crown from the young king's head." Henry, "more angry than was fitting to the royal majesty," was swept beyond himself by one of his mad storms of passion. "What a pack of fools and cowards," he shouted aloud in his wrath, "I have nourished in my house, that not one of them will avenge me of this one upstart clerk!" A council was at once summoned. Thomas, the king said, had entered as a tyrant into his land, had excommunicated the bishops for obedience to the king, had troubled the whole realm, had purposed to take away the royal crown from his son, had begged for a legation against Henry,

and had obtained from the Pope grants of presentations to churches, which deprived knights and barons as well as the king himself of their property. The council fell in with the king's mood. Thomas was worthy of death. The king would have neither quiet days nor a peaceful kingdom while he lived. "On my way to Jerusalem," said one sage adviser, "I passed through Rome, and asking questions of my host, I learned that a pope had once been slain for his intolerable pride!"

But while the king was still busied in devising schemes for the punishment or ruin of Thomas, came news that he was rid of his enemy, and that the archbishop had won the long looked-for crown of martyrdom. Four knights who had heard the king's first outburst of rage had secretly left the Court, and travelling day and night, had reached Canterbury on the 29th, and had there in the cathedral slain the archbishop. Henry was at Argentan when the news of the murder was brought to him. So overwhelming was his despair that those about him feared for his reason. For three days he neither ate nor spoke with any one, and for five weeks his door was closed to all comers. The whole flood of difficulties against which he had so long fought desperately was at once let loose upon him. In England the feeling was indescribable. All the religious fervour of the people was passionately thrown on the side of the martyr. The church of Canterbury was closed for a year. The ornaments were taken from the altar, the walls were stripped, the sound of the bells ceased. Excitement was raised to its utmost pitch as it became known that miracles were wrought at the tomb. The clergy were forced into hostility; they dared no longer

take Henry's side. The barons saw the opportunity for which they had waited fifteen years. Henry had himself provided them with a ready instrument to execute their vengeance, and the boy-king, consecrated scarcely six months ago, and already urged to revolt by his mother and the king of France, was only too willing to hear the tale of their accumulated wrongs and discontents. All Christendom had been watching the strife; all Christendom was outraged at its close. The Pope shut himself up for eight days, and refused to speak to his own servants. The king of France,—who had now a cause more powerful than any he had ever dreamt of,—Theobald of Blois, and William of Champagne, the Archbishop of Sens, wrote bitterly to Rome that it was Henry himself who had given orders for the murder. The king's messengers sent to plead with the Pope found matters almost desperate. Alexander had determined to excommunicate him at Easter, and to lay an interdict on all his lands. In their despair, and not venturing to tell their master what they had done, they swore on Henry's part an unreserved submission to the Pope, and the excommunication was barely averted for a few months, while a legation was sent to pronounce an interdict on his lands, and receive his submission. Henry, however, was quite determined that he would neither hear the sentence nor repeat the oath taken by his envoys at Rome. Orders were given to allow no traveller, who might intend evil against the king, to cross into England; and before the legates could arrive in Normandy Henry himself was safe beyond the sea. On the 6th of August, as he passed through Winchester, he visited the dying Henry of Blois, and heard the bishop's

last words of bitter reproach as he foretold the great adversities which the Divine vengeance held in store for the true murderer of the archbishop. But England itself was no safe refuge for the king in this great extremity. Hurrying on to Wales, he rapidly settled the last details of a plan for the conquest of Ireland, and hastened to set another sea between himself and the bearers of the papal curse. As he landed on Irish shores on the 16th of October, a white hare started from the bushes at his feet, and was brought to him as a token of victory and peace. Here at last he was in safety, beyond the reach of all dispute, in a secure banishment where he could more easily avoid the interdict or more secretly bow to it. The wild storms of winter, which his terrified followers counted as a sign of the wrath of God, served as an effectual barrier between him and his enemies; and for twenty weeks no ship touched Irish shores, nor did any news reach him from any part of his dominions.

CHAPTER VIII

THE CONQUEST OF IRELAND

NEARLY a hundred years before William Rufus once stood on the cliffs of Wales, and cried, as he looked across the waters towards Ireland, "For the conquest of that land I will gather together all the ships of my kingdom, and will make of them a bridge to cross over." The story was carried to a king of Leinster, who listened thoughtfully. "After so tremendous a threat as that," he asked, "did the king add, if the Lord will?" Being told that Rufus used no such phrase, "Since he trusts to do this by human power, not divine," said the shrewd Irishman, "I need not greatly dread his coming." Prophecies which passed from mouth to mouth in Ireland declared that the island should not be conquered till very shortly before the great Day of Judgment. Even in England men commented on the fact that while the Romans had reached as far as the Orkneys, while Saxons and Normans and Danes had overrun England, Ireland had never bowed to foreign rule. The Northmen alone had made any attempt at invasion; but within the fringe of foreign settlements which they planted along the coast from Dublin to Limerick, the various Irish kingdoms maintained themselves according to their ancient customs, and, as English tribes had done

before in Britain, waged frequent war for the honour of a shifting and dubious supremacy. The island enjoyed a fair fame for its climate, its healthfulness, its pasturage, its fisheries; English chroniclers dwelt on "the far-famed harbour of Dublin, the rival of our London in commerce," and told of ships of merchandise that sailed from Britanny to Irish ports, and of the busy wine trade with Poitou. Ireland alone broke the symmetry of an empire that bordered the Atlantic from the Hebrides to Spain, and the fame of empire had its attractions for the heirs of the Norman conquerors. Patriotic and courtly historians remembered that their king was representative of Gerguntius, the first king of Britain who had gone to Ireland; the heir of Arthur, to whom Irish kings had been tributary; the ruler over the Basque provinces, from whence undoubtedly the Irish race had sprung. To fill up what was lacking in these titles, he was proclaimed lord and ruler by a yet clearer divine right, when in 1155 John of Salisbury brought to him from Rome a bull, by which the English Pope, Hadrian IV., as supreme lord of all islands, granted Ireland to the English king, that he might bring the people under law, and enlarge the borders of the Church.

From the beginning, indeed, there rested on the unhappy country a curse which has remained to the present moment. The invasion of the Ostmen was the first of a series of half-conquests which brought all the evils of foreign invasion with none of its benefits. In England the great rivers and the Roman roads had been so many highways by which the Scandinavians had penetrated into the heart of the country. But in Ireland no road and no great river had guided the invader

onwards past morass and bog and forest. While the great host of the Danish invaders swooped down over England and Gaul, the pirates that sailed to Ireland had only force to dash themselves on the coast, and there cling cautiously to guarded settlements. They settled as a race apart, as unable to mix with the Irish people as they were powerless to conquer them. No memory as in England of a common origin united them, no ties of a common language, no sense of common law or custom, or of a common political tradition. The strangers built the first cities, coined the first money, and introduced trade. But they were powerless to affect Irish civilization. The tribal system survived in its full strength, and Ireland remained divided between two races, two languages, two civilizations in different stages of progress, two separate communities ruled by their own laws, and two half-completed ecclesiastical systems, for the Danish Church long looked, as the Irish had never done, to the Archbishop of Canterbury as their head. Earnest attempts had already been made by Hadrian's predecessor to bring the Irish into closer connection with the see of Rome. In 1152 a papal legate had carried out a great reform by which four archbishops, wholly independent of Canterbury and receiving their palls from Rome, were set over four provinces. But still no Peter's Pence were paid to Rome, Roman canon law, Roman ritual, the Roman rules of marriage, had no authority; the Roman form of baptism was replaced by a tradition which made the father dip his new-born child three times in water, or, if he were a rich man, in milk; there was no payment of tithes; clerks were taxed like laymen when a homicide occurred; Irish nobles still demanded

hospitality from religious houses, and claimed, according to ancient custom, provisions from towns on Church domains. Hadrian himself had long been interested in Irish affairs. The religious houses which the Irish maintained in Germany kept up communication with Pope and Emperor; an Irish abbot at Nuremberg was chaplain to the Emperor Frederick; one of Hadrian's masters at Paris had been a monk from the Irish settlement in Ratisbon, and as Pope he still remembered the Irish monk with warm affection. When he was raised to the Papacy in the very year of Henry's coronation, one of his first cares was to complete the organization of Christendom in the West by bringing the Irish Church under Catholic discipline.

Henry, on his part, was only too eager to accept his new responsibility, and less than a year after his coronation he called a council to discuss the conquest of Ireland. The scheme was abandoned on account of its difficulties, but the question was later raised again in another form. Diarmait Mac Murchadha (in modern form Jeremiah Murphy), King of Leinster, had carried off in 1152 the wife of the chief of Breifne (Cavan and Leitrim). A confederation was formed against him under Ruaidhri (or Rory), King of Connaught, and he was driven from the island in 1166. "Following a flying fortune and hoping much from the turning of the wheel," he fled to Henry in Aquitaine, did homage to the English king for his lands, and received in return letters granting permission to such of Henry's servants as were willing to aid him in their recovery. Diarmait easily found allies in the nobles of the Welsh border, in whose veins ran the blood of two warlike races. It was by just such an enterprise as this

that their Norman fathers and grandfathers had won their Welsh domains. From childhood they had been brought up in the tumult of perpetual forays, and trained in a warfare where agility and dash and endurance of hunger and hardship were the first qualifications of a soldier. Richard de Clare, Earl of Striguil, in later days nicknamed Strongbow—a descendant of one of the Conqueror's greatest warriors, but now a needy adventurer sorely harassed by his creditors—was easily won by the promise of Diarmait's daughter and heiress, Aeifi, as his wife. Rhys, the Prince of South Wales, looked favourably on the expedition. His aunt, Nesta, had been the mistress of Henry I. of England; and had afterwards married first Gerald of Windsor, and then a certain Stephen; her sons and grandsons, whether Fitz-Henrys, Fitz-Geralds, or Fitz-Stephens, were famous men of war; nor were the children of her daughter, who had married William de Barri, behind them in valour. No less than eighteen knights of this extraordinary family took part in the conquest, where in feats of war they renewed the glories of their ancestors both Norse and Welsh; a son of Nesta's, David, the Bishop of St. David's, gave his sympathy and help; while her grandson, Gerald de Barri, became the famous historian of the conquest.

In 1167 Diarmait returned to Ireland with a little band of allies, the pioneers of the English conquest. Others followed the next year, among them Strongbow's uncle, Hervey of Mount Moriss, a famous soldier in the French army, distinguished for his beautifully proportioned figure, his delicate long hands, his winning face, and graceful speech. With him went Nesta's son Robert Fitz-Stephen, a powerful man of the Norman

type, handsome, freehanded, sumptuous in his way of living, liberal and jovial, given to wine and dissipation. His nephew, Meiler Fitz-Henry, showed stronger traces of Welsh blood in his swarthy complexion, fierce black eyes, and passionate face. The knights carried on the war with the virtues and vices of a feudal chivalry, with a frank loyalty to their allies, a good comradeship which recognized no head but left each knight supreme over his own forces, a magnificent daring in the face of overwhelming forces, and a joyful acceptance of the savage privileges of slaughter and rapine which fell to their lot. "By their aid Diarmait began first to take breath, then to gain strength, and at last to triumph over his enemies." The Irish, however, rallied under the king of Connaught against the traitor who had brought the English into their land; and Diarmait was forced to conclude a peace and promise to receive no more English soldiers.

Meanwhile other knights were preparing for the Irish expedition. Maurice Fitz-Gerald encamped on a rock near Wexford. Another Fitz-Gerald, Raymond the Fat, fortified his camp near Waterford. In August 1170 came Earl Richard himself, who had crossed to France in search of Henry, and with persistent importunity implored for leave to join the Irish war. Henry, at that moment busy in his last negotiations with Thomas, gave a doubtful half-consent, and Richard sailed with an army of nearly fifteen hundred men. We see in the pages of Gerald of Wales, the hero with whose name the conquest of Ireland was to be for ever associated, red-haired, gray-eyed, freckled, with delicate features like a woman's, and thin, feeble voice; wearing a plain citizen's dress without arms, "that he might seem more ready to obey

than to command;" suave, gracious, politic, patient, deferential, with his fine aristocratic air, and an undaunted courage that blazed out in battle, when "he never moved from his post, but remained a beacon of refuge to his followers." At his coming Waterford was taken, as Wexford and Ossory had been before. Before the prudent Norman went farther the marriage contract was carried out, and the beginning of a strife which lasted for seven hundred years was celebrated in this first alliance of a Norman baron and an Irish chief. Richard and Diarmait marched against Dublin, and its Danish inhabitants were driven over sea. In a few months their king, Hasculf, returned with a great fleet gathered from Norway, the Hebrides, the Orkneys, Man,—the last fleet of Northmen which descended on the British Isles,—but again the Normans won the day.

Henry meanwhile was watching nervously the progress of affairs. The war was, no doubt, useful in withdrawing from Wales a restless and dangerous baronage, and in the rebellion of 1174 the hostility of the border barons would have been far more serious if the best warriors of Wales had not been proving their courage on the plains of Ireland. But Henry had no mind to break through his general policy by allowing a feudal baronage to plant themselves by force of arms in Ireland, as they had in earlier days settled themselves in northern England and on the Welsh border. The death of Diarmait in 1171 brought matters to a crisis. By Celtic law the land belonged to the tribe, and the people had the right of electing their king. But the tribal system had long been forgotten by the Normans, whose ancestors had ages before passed out of it into the

later stage of the feudal system; and by Norman law the kingdom of Leinster would pass to Aeifi's husband and her children. Rights of inheritance and rights of conquest were judiciously blended together, and Richard assumed rule, not under the dangerous title of king, but as "Earl of Leinster." The title was strange and unwelcome to Irish ears. Among envious Norman rivals it did not hide the suspicion that Richard was "nearly a king," and rumours reached Henry's ears that he was conquering not only Leinster but other districts to which neither he nor his wife had any right. Henry immediately confiscated all the earl's lands in England, and ordered that all knights who had gone to Ireland should return, on pain of forfeiture of their lands and exile. In vain Strongbow's messengers hastened to him in France, and promised that the earl would yield up all his conquests, "since from the munificence of your kindness all proceeds." While they still anxiously followed the Court from place to place came the sudden tidings of the archbishop's murder, and before many months were over Henry was on his way to Ireland to take its affairs into his own hands. Strongbow was summoned to meet him, forced to full submission, and sent back to prepare the way before the king.

In Ireland Henry had little to do save to enter into the labours of its first conquerors. The Danes had been driven from the ports. The Irish were broken and divided, and looked to him as their only possible ally and deliverer from the tyranny, the martial law, the arbitrary executions, which had marked the rough rule of the invaders. The terrified barons were ready to buy their existence at any price. The leaders of the Church

welcomed him as the supporter of Roman discipline. Henry used all his advantages. He consistently carried through the farce of arbitration. The Wexford men brought to him Fitz-Stephen, whom they had captured, as the greatest enemy to the royal majesty and the Irish people. Henry threw him into prison, but as soon as he had won the smaller kings of the south separately to make submission to him, and given the chief castles into the hands of his own officers, he conciliated the knights by releasing Fitz-Stephen. He spent the winter in Dublin, in a palace built of wattles after the fashion of the country. There he received the homage of all the kings of Leinster and Meath. Order, law, justice, took the place of confusion. Dublin, threatened with ruin now the Danish traders were driven off, was given to the men of Bristol to found a new prosperity. Its trade with Chester was confirmed, and from all parts of England new settlers came in numbers during the next few years to share in the privileges and wealth which its commerce promised. A stately cathedral of decorated Norman work rose on the site of an earlier church founded by the Ostmen. It seemed as though the mere military rule of the feudal lords was to be superseded under the king's influence by a wiser and more statesmanlike occupation of the country. A great council was held at Cashel, where a settlement was made of Church and State, and where Henry for the first time published the Papal Bull issued by Hadrian fifteen years before. He had won a position of advantage from whence to open a new bargain with the Pope. In the moment of his deepest disgrace and peril he defiantly showed himself before the world in all the

glory of the first foreign Conqueror and Lord of Ireland.

Henry's work, however, was scarcely begun when in March there came a lull in the long winter storms, and a vessel made its way across the waters of the Irish Sea. It brought grave tidings. Legates from the Pope had reached Normandy, with powers only after full submission to absolve the king; unless Henry quickly met them, all his lands would be laid under interdict. Other heavy tidings came. Evil counsellors were exciting the young king to rebellion. It was absurd, they said, to be king, and to exercise no authority in the kingdom, and the boy was willing enough to believe that since his coronation "the reign of his father had expired." All Henry's plans in Ireland were at once thrown aside. At the first break in the adverse winds he hastily set sail, and for two hundred years no English king again set foot in Ireland. The short winter's work was to end in utter confusion. The king's policy had been to set up the royal justice and power, and to break the strength of the barons by dividing and curtailing their interests. He had left them without a leader. The growing power of Strongbow had been broken; Dublin had been taken from him; the castles had all been committed to knights appointed by the king. Quarrels and rivalries soon broke out. Raymond the Fat became the recognized head of Nesta's descendants. In his enormous frame, his yellow curly hair, his high-coloured cheery face, his large gray eyes, we see the type of the old Norse conquerors who had once harried England; we recognize it too in his carelessness as to food or clothing, his indifference to hardship, his

prodigious energy, the sleepless nights spent in wandering through his camp where his resounding shouts awoke the sleeping sentinels, the enduring wrath which never forgot an enemy. Richard's uncle, Hervey of Mount Moriss, led a rival faction in the interests of Strongbow. The English garrison in Ireland was weakened by the loss of troops which Henry was compelled to carry away with him. The forces that remained, divided, thinned, discouraged, were left to confront an Irish party united in a revived hope. No sooner did rebellion break over England in the next year than the Irish with one accord rose in revolt. The treasury was exhausted, and there was no payment for the troops. A doubtful campaign went on in which the English, attacked now by the Ostmen of the towns, now by the Irish, fought with very varying success, but with prodigies of valour. They were reckless of danger, heedless of the common safeguards of military precaution. When Henry heard of Raymond's daring capture of Limerick in 1176, and then of his retreat, he made one of his pithy comments: "Great was the courage in attacking it, and yet greater in the subduing of it, but the only wisdom that was shown was in its desertion."

The rivalry of Raymond and Strongbow was at its height when, in 1176, Earl Richard died; and to this day his burial-place in the Norman Cathedral in Dublin, and that of his wife Aeifi, are marked by the only sculptured tombs that exist of these first Norman conquerors of Ireland. Others besides the king heard with joy the news that the great warrior was dead. Richard's sister, who had been married to Raymond, had cast in her lot with her lord. She sent a cautious despatch to her

husband, who was unable himself to read, and had to depend on the good offices of a clerk. "Know, my dearest lord," wrote the prudent wife, "that that great tooth which pained me so long has now fallen out, wherefore see that you delay not your return." The watchful Henry, however, at once recalled Raymond to England, and sent a new governor, Fitz-Aldhelm, to hold the restless barons in check, till his son John, to whom he now proposed to give the realm of Ireland, should be of age to undertake its government. When Fitz-Aldhelm saw the magnificent troop of Raymond's cousins and nephews, who had thrown aside all armour save shields, and, mounted on splendid horses, dashed across the plain to display their feats of agility and horsemanship, he muttered to his followers, "This pride I will shortly abate, and these shields I will scatter." He was true to his word. The fortunes of the knights of both parties indeed rapidly declined; "those who had been first had to learn to be last;" their lands were taken from them on every excuse, and they were followed by the enmity and persecution of the king. For the next ten years the history of the English in Ireland is a miserable record of ineffective and separate wars undertaken by leaders each acting on his own account, and of watchful jealousy on the part of Henry. A new governor was sent in 1177 to replace Fitz-Aldhelm. Hugh de Lacy was no Norman. His black hair, his deep-set black eyes, his snub nose, the scar across his face, his thin ill-shapen figure, marked him out from the big fair Fitz-Geralds, as much as did his "Gallican sobriety" and his training in affairs, for in war he had no great renown. Perhaps it was some quick French quality in him that won the

love of the Irish. But Henry was suspicious and uneasy. He was recalled in 1181 on the news that without the king's leave he had married the daughter of the King of Connaught, and rumour added that he had even made ready a diadem for himself. But his services were so valuable that that same winter he was sent back, only to be again recalled in 1184 and again sent back. At last in 1186, "as though fortune had been zealous for the king of England," he was treacherously slain by an Irishman, to Henry's "exceeding joy."

Meanwhile the king had in 1185 made a further attempt at a permanent settlement of the distracted island. John was formally appointed king over Ireland, and accompanied by Glanville, landed in Waterford on the 25th of April. His coming with a new batch of Norman followers completed the misfortunes of the first settlers. The Norman-Welsh knights of the border had by painful experience learned among their native woods and mountains how to wage such war as was needed in Ireland—a kind of war where armour was worse than useless, where strength was of less account than agility, where days and nights of cold and starvation were followed by impetuous assaults of an enemy who never stood long enough for a decisive battle, a war where no mercy was given and no captives taken. On the other hand, their half Celtic blood had made it easy for them to mingle with the Irish population, to marry and settle down among them. But the followers of John were Norman and French knights, accustomed to fight in full armour upon the plains of France; and to add to a rich pay the richer profits of plunder and of ransom. The seaport towns and the castles fell into the hands of new masters, untrained to

the work required of them. "Wordy chatterers, swearers of enormous oaths, despisers of others," as they seemed to the race of Nesta's descendants, the new rulers of the country proved mere plunderers, who went about burning, slaying, and devastating, while the old soldiery of the first conquest were despised and cast aside. Divisions of race which in England had quite died out were revived in Ireland in their full intensity; and added to the two races of the Irish and the Danes we now hear of the three hostile groups into which the invaders were broken —the Normans, the English, and the men of the Welsh border. To the new comers the natives were simply barbarians. When the Irish princes came to do homage, their insolent king pulled their long beards in ridicule; at the outrage they turned their backs on the English camp, and the other kings hearing their tale, refused to do fealty. Any allies who still remained were alienated by being deprived of the lands which the first invaders had left them. Even the newly-won Church was thrown into opposition by interference with its freedom and plunder of its lands; the ancient custom of carrying provisions to the churches for safe keeping in troubled times was contemptuously ignored when a papal legate gave the English armies leave to demand the opening of the church doors, and the sale of such provisions as they chose to require. There were complaints too in the country of the endless lawsuits that now sprang up, probably from the infinite confusion that grew out of the attempt to override Irish by English law. But if Glanville tried any legal experiments in Ireland, his work was soon interrupted. Papal legates arrived in England at Christmas 1186 to crown the King of Ireland with the

crown of peacocks' feathers woven with gold which the Pope himself had sent. But John never wore his diadem of peacocks' feathers. Before it had arrived he had been driven from the country.

Thus ended the third and last attempt in Henry's reign to conquer Ireland. The strength and the weakness of the king's policy had alike brought misery to the land. The nation was left shattered and bleeding; its native princes weakened in all things save in the habits of treachery and jealousy; its Danish traders driven into exile; its foreign conquerors with their ranks broken, and their hope turned to bitterness. The natural development of the tribal system was violently interrupted by the half-conquest of the barons and the bringing in of a feudal system, for which the Irish were wholly unprepared. But the feudal conquerors themselves were only the remnants of a broken and defeated party, the last upholders of a tradition of conquest and of government of a hundred years earlier. Themselves trembling before the coming in of a new order of things, they could destroy the native civilization, but they could set nothing in its place. There remained at last only the shattered remnants of two civilizations which by sheer force were maintained side by side. Their fusion was perhaps impossible, but it was certainly rendered less possible by the perplexed and arbitrary interferences of later rulers in England, almost as foreign to the Anglo-Irish of the Pale as to the native tribes who, axe in hand and hidden in bog and swamp and forest, clung desperately to the ancient traditions and inheritance of their forefathers.

CHAPTER IX

REVOLT OF THE BARONAGE

All hope of progress, of any wise and statesmanlike settlement of Ireland, utterly died away when, on Easter night, 16th April 1172, Henry sailed from Wexford. The next morning he landed near St. David's. He entered its gates as a pilgrim, on foot and staff in hand, while the monks came out in solemn procession to lead him to the ancient church on the other side of the river. Suddenly a Welsh woman sprang out from among the crowd, and striking her hands together wildly, threw herself at his feet crying with a loud voice, "Avenge us to-day, Lechlavar! Avenge the people of this land!" The woman's bitter cry told the first thought of all the thronging multitudes of eager Welshmen that day, how Merlin had prophesied that an English king, the conqueror of Ireland, should die on Lechlavar, a great stone which formed a rude natural bridge across the stream, and round which the pagan superstitions of an immemorial past still clung. When the strange procession reached the river, Henry stood for a moment looking steadily at the stone, then with a courage which we can scarcely measure, he firmly set his foot on it and slowly crossed over; and from the other side, in the face of all the people he turned and flung his taunt at the prophet,

"Who will ever again believe the lies of Merlin?" As he passed through Cardiff another omen met him; a white-robed monk stood before him as he came out of church. "God hold thee, Cuning!" he cried in the English tongue, and broke out into passionate warnings of evil to come unless the king would show more reverence to the Sunday, a matter about which there was at this time a great stirring of religious feeling. "Ask this rustic," said Henry in French to a knight who held his rein, "whether he has dreamed this." The monk turned from the interpreter to the king and spoke again: "Whether I have dreamed this or no, mark this day, for unless thou amendest thy life, before this year has passed thou shalt hear such news of those thou lovest best, and shalt win such sorrow from them, that it shall not fail thee till thy dying day!"

From Wales Henry struck across England, "turning neither to right nor left, and marching at a double pace." In a few days he was at Portsmouth. To hinder further mischief the younger Henry was ordered to join him and carried over sea; and the first news that reached Louis was the king's arrival in Normandy. "The King of England," Louis cried in his amazement, "is now in Ireland, now in England, now in Normandy; he may rather be said to fly than go by horse or boat!" Henry hastened on his landing to meet the legates. Negotiations were opened in May. Submission was inevitable, for fear of the rebellion which was then actually brewing left him in fact no choice of action. He agreed unreservedly to their demands. As an earnest of repentance and reformation he consented to a new coronation of his son; and on the 27th of August the young king was

crowned again, along with his wife, at Winchester. Henry completed his submission at Avranches on the 27th of September. He swore that he had not desired the death of Thomas, but to make satisfaction for the anger he had shown, he promised to take the cross, to give funds to the Knights Templars for the defence of Jerusalem, and to found three religious houses. He renounced the Constitutions of Clarendon. He swore allegiance to Alexander against the anti-Pope. He promised that the possessions of Canterbury should be given back as they were a year before the flight of Thomas, and that his exiled friends should be restored to their possessions. No king of England had ever suffered so deep a humiliation. It seemed as though the martyr were at last victorious. A year after the murder, in December 1172, Canterbury cathedral was once more solemnly opened, amid the cries of a vast multitude of people, "Avenge, O Lord, the blood which has been poured out!" On the anniversary of the Christmas Day when Thomas had launched his last excommunications, the excited people noted "a great thunder sudden and horrible in Ireland, in England, and in all the kingdoms of the French." Very soon mighty miracles were wrought by the name of the martyr throughout the whole of Europe. The metal phials which hung from the necks of pilgrims to the shrine of Canterbury became as famous as the shell and palm branch which marked the pilgrims to Compostella and Jerusalem. Before ten years were passed the King of France, the Count of Nevers, the Count of Boulogne, the Viscount of Aosta, the Archbishop of Reims, had knelt at his shrine among English prelates, nobles, knights,

and beggars. The feast of the Trinity which Thomas had appointed to be observed on the anniversary of his consecration spread through the whole of Christendom.

Henry, in fact, had to bear the full storm of scorn and hatred that falls on every statesman who stands in advance of the public opinion of his day. But his seeming surrender at Avranches won for the politic king immediate and decisive advantages. All fear of excommunication and interdict had passed away. The clergy were no longer alienated from him. The ecclesiastical difficulties raised by the coronation, and the jealousies of Louis, were set at rest. The alliance of the Pope was secured. The conquest of Ireland was formally approved. Success seemed to crown Henry's scheme for the building up of his empire. Britanny had been secured for Geoffrey in 1171; in June 1172 Richard was enthroned as Duke of Aquitaine; in the following August Henry was crowned for the second time King of England. Only the youngest child, scarcely five years old, was still "John Lackland," and in this same year Henry provided a dominion for John by a treaty of marriage between him and the heiress of the Count of Maurienne. Her inheritance stretched from the Lake of Geneva almost to the Gulf of Genoa; and the marriage would carry the Angevin dominions almost from the Atlantic to the Alps, and give into Henry's control every pass into Italy from the Great St. Bernard to the Col di Tenda, and all the highways by which travellers from Geneva and German lands beyond it, from Burgundy or from Gaul, made their way to Rome. To celebrate such a treaty Henry forgot his thrift. The two kings of England travelled with ostentatious splendour

to meet the Count of Maurienne in Auvergne in January 1173. The King of Aragon and the Count of Toulouse met them at Montferrand, and a peace which Henry concluded between Toulouse and Aragon declared the height of his influence. Raymond bent at last to do homage for Toulouse, an act of submission which brought the dominion of Anjou to the very border of the Mediterranean.

There was a wild outbreak of alarm among all Henry's enemies as from his late humiliation he suddenly rose to this new height of power. The young king listened eagerly to those who plotted mischief, and one night in mid-Lent he fled to the court of Louis. In an agony of apprehension Henry sought to close the breach, and sent messages of conciliation to the French king. "Who sends this message to me?" demanded Louis. "The King of England," answered the messengers. "It is false," he said; "behold the King of England is here, and he sends no message to me by you; but if you so call his father who once was king, know ye that he as king is dead." The Counts of Flanders, of Boulogne, and of Blois, joined the young king in Paris, and did homage to him for fiefs which he bestowed on them—Kent, Dover, Rochester, lands in Lincolnshire, and domains and castles in Normandy—while he won the aid of the Scot king by granting him all Northumberland to the Tyne. The rebellion was organized in a month. Eleanor sent Richard, commander of the forces of Aquitaine, and Geoffrey, lord of Britanny, to take their share in the revolt; she herself was hastening after them when she was seized and thrown into prison. In Aquitaine, where the people impartially hated both

French and Normans, the enthusiasm for independence was stirred by songs such as those of the troubadour, Bertrand de Born, lord of a fortress and a thousand men, who "was never content, save when the kings of the North were at war." In Normandy old hatreds had deepened year by year as Henry had gone on steadily seizing castles and lands which had fallen out of the possession of the crown. In 1171 he had doubled the revenue of the duchy by lands which the nobles had usurped. In 1172 he had alarmed them by having a new return made of the feudal tenures for purposes of taxation. The great lords of the duchy with one consent declared against him. Britanny sprang to arms. If Maine and Anjou remained fairly quiet, there was in both of them a powerful party of nobles who joined the revolt. The rebel party was everywhere increased by all who had joined the young king, "not because they thought his the juster cause," but in fierce defiance of a rule intolerable for its justice and its severity.

England was no less ready for rebellion. The popular imagination was still moved by the horror of the archbishop's murder. The generation that remembered the miseries of the former anarchy was now passing away, and to some of the feudal lords order doubtless seemed the greater ill. The new king too had lavished promises and threats to win the English nobles to his side. "There were few barons in England who were not wavering in their allegiance to the king, and ready to desert him at any time." The more reckless eagerly joined the rebellion; the more prudent took refuge in France, that they might watch how events would go; there was a timid and unstable party who held outwardly

to the king in vigilant uncertainty, haunted by fears that they should be swept away by the possible victory of his son. Such descendants of the Normans of the Conquest as had survived the rebellions and confiscations of a hundred years were eager for revenge. The Earl of Leicester and his wife were heirs of three great families, whose power had been overthrown by the policy of the Conqueror and his sons. William of Aumale was descended from the Count who had claimed the throne in the Conqueror's days, and bitterly remembered the time before Henry's accession, when he had reigned almost as king in Northern England. Hugh of Puiset, Bishop of Durham, whose diocese stretched across Northumberland, and who ruled as Earl Palatine of the marchland between England and Scotland; the Earl of Huntingdon, brother of the Scot king; Roger Mowbray, lord of the castles of Thirsk and Malessart north of York, and of a strong castle in the Isle of Axholm; Earl Ferrers, master of fortresses in Derby and Stafford; Hugh, Earl of Chester and Lord of Bayeux and Avranches, joined the rebellion. So did the old Hugh Bigod, Earl of Norfolk, who had already fought and schemed against Henry in vain twenty years before. The Earls of Clare and Gloucester on the Welsh border were of very doubtful loyalty. Half of England was in revolt, and north of a line drawn from Huntingdon to Chester the king only held a few castles—York, Richmond, Carlisle, Newcastle, and some fortresses of Northumberland. The land beyond Sherwood and the Trent, shut off by an almost continuous barrier of marsh and forest from the south, was still far behind the rest of England in civilization. The new industrial activity

of Yorkshire was not yet forty years old; in a great part of the North money-rents had scarcely crept in, and the serfs were still toiling on under the burden of labour-dues which had been found intolerable elsewhere. The fines, the taxes, the attempt to bring its people under a more advanced system of government must have pressed very hardly on this great district which was not yet ready for it; and to the fierce anger of the barons, and the ready hostility of the monasteries, was perhaps added the exasperation of freeholder and serf.

Henry, however, was absolute master of the whole central administration of the realm. Moreover, by his decree of the year before he had set over every shire a sheriff who was wholly under his own control, trained in his court, pledged to his obedience, and who had firm hold of the courts, the local forces, and the finances. The king now hastened to appoint bishops whom he could trust to the vacant sees. Geoffrey, an illegitimate son who had been born to him very early, probably about the time when he visited England to receive knighthood, was sent to Lincoln; and friends of the king were consecrated to Winchester, Ely, Bath, Hereford, and Chichester. Prior Richard of Dover, a man "laudably inoffensive who prudently kept within his own sphere," was made Archbishop of Canterbury. Richard de Lucy remained in charge of the whole kingdom as justiciar. The towns and trading classes were steadfast in loyalty, and the baronage was again driven, as it had been before, to depend on foreign mercenaries.

War first broke out in France in the early summer of 1173. Normandy and Anjou were badly defended, and their nobles were already half in revolt, while the forces

of France, Flanders, Boulogne, Chartres, Champagne, Poitou, and Britanny were allied against Henry. The counts of Flanders and Boulogne invaded Normandy from the north-east, and the traitor Count of Aumale, the guardian of the Norman border, gave into their hands his castles and lands. Louis and Henry's sons besieged Verneuil in the south-west. To westward the Earl of Chester and Ralph of Fougères organized a rising in Britanny. In "extreme perplexity," utterly unable to meet his enemies in the field, Henry could only fortify his frontier, and hastily recall the garrison which he had left in Ireland, while he poured out his treasure in gathering an army of hired soldiers. Meanwhile he himself waited at Rouen, "that he might be seen by all the people, bearing with an even mind whatever happened, hunting oftener than usual, showing himself with a cheerful face to all who came, answering patiently those who wished to gain anything from him; while those whom he had nourished from days of childhood, those whom he had knighted, those who had been his servants and his most familiar counsellors, night by night stole away from him, expecting his speedy destruction and thinking the dominion of his son at once about to be established." Never did the king show such resource and courage as in the campaign that followed. The Count of Boulogne was killed in battle, and the invading army in the north-east hesitated at the unlucky omen and fell back. Instantly Henry seized his opportunity. He rode at full speed to Verneuil with his army, a hastily-collected mob of chance soldiers so dissatisfied and divided in allegiance that he dared not risk a battle. An audacious boast saved

the crafty king. "With a fierce countenance and terrible voice" he cried to the French messengers who had hurried out to see if the astounding news of his arrival were true, "Go tell your king I am at hand as you see!" At the news of the ferocity and resolution of the enemy, Louis, "knowing him to be fierce and of a most bitter temper, as a bear robbed of its whelps rages in the forest," hastily retreated, and Henry, as wise a general as he was excellent an actor, fell back to Rouen. Meanwhile he sent to Britanny a force of Brabantines, whom alone he could trust. They surrounded the rebels at Dol; and before Henry, "forgetting food and sleep" and riding "as though he had flown," could reach the place, most of his foes were slain. The castle where the rest had taken refuge surrendered, and he counted among his prisoners the Earl of Chester, Ralph of Fougères, and a hundred other nobles. The battle of Dol practically decided the war. It seemed vain to fight against Henry's good luck. A few Flemings once crossed the Norman border, and were defeated and drowned in retreat by the bridge breaking. "The very elements fight for the Normans!" cried the baffled and disheartened Louis. "When I entered Normandy my army perished for want of water, now this one is destroyed by too much water." In despair he sought to save himself by playing the part of mediator; and in September Henry met his sons at Gisors to discuss terms of peace. His terms were refused and the meeting broke up; but Henry remained practically master of the situation.

Meanwhile in England the rebellion had broken out in July. The Scottish army ravaged the north; the Earl of Leicester, with an army of Flemings which he

had collected by the help of Louis and the younger Henry, landed on the coast of Suffolk, where Hugh Bigod was ready to welcome him. De Lucy and Bohun hurried from the north to meet this formidable danger, and with the help of the Earls of Cornwall, Arundel, and Gloucester, they defeated Leicester in a great battle at Fornham on the 17th of October. The earl himself was taken prisoner, and 10,000 of his foreign troops were slain. He and his wife were sent by Henry's orders to Normandy, and there thrown into prison. A truce was made with Scotland till the end of March. The king of France and the younger Henry abandoned hope, "for they saw that God was with the king;" and there was a general pause in the war.

With the spring of 1174, however, the strife raged again on all sides. Ireland rose in rebellion. William of Scotland marched into England supported by a Flemish force. Roger Mowbray, and probably the Bishop of Durham, were in league with him. Earl Ferrers fortified his castles in Derby and Stafford; Leicester Castle was still held by the Earl of Leicester's knights; Huntingdon by the Scot king's brother; and the Earl of Norfolk was joined in June by a picked body of Flemings. The king's castles at Norwich, Northampton, and Nottingham, were taken by the rebels, and a formidable line of enemies stretched right across mid-England. At the same time France and Flanders threatened invasion with a strong fleet, and "so great an army as had not been seen for many years." Count Philip, who had set his heart on the promised Kent, and on winning entrance into the lands of the Cistercian wool-growers of Lincolnshire, swore before Louis and his

nobles that within fifteen days he would attack England; the younger Henry joined him at Gravelines in June, and they only waited for a fair wind to cross the Channel.

The justiciars were in an extremity of despair. "Seeing the evil that was done in the land," they anxiously sent messenger after messenger to the king. But Henry had little time to heed English complaints. Richard had declared war in Aquitaine; Maine and Anjou were half in revolt; Louis was on the point of invading Normandy. As a last resource his hard-pressed ministers sent Richard of Ilchester, the bishop-elect of Winchester, whom they knew to be favoured by the king beyond all others, to tell him again of "the hatred of the barons, the infidelity of the citizens, the clamour of the crowd always growing worse, the greed of the 'new men,' the difficulty of holding down the insurrection." "The English have sent their messengers before, and here comes even this man!" laughed the Normans; "what will be left in England to send after the king save the Tower of London!" Richard reached Henry on the 24th of June, and on the same day Henry abandoned Normandy to Louis' attack, and made ready for return. "He saw that while he was absent, and as it were not in existence, no one in England would offer any opposition to him who was expected to be his successor;" and he "preferred that his lands beyond the sea should be in peril rather than his own realm of England." Sending forward a body of Brabantines, he followed with his train of prisoners—Queen Eleanor, Queen Margaret and her sister Adela, the Earls of Chester and of Leicester, and various governors of castles whom he

carried with him in chains. In an agony of anxiety the king watched for a fair wind till the 7th of July. At last the sails were spread; but of a sudden the waves began to rise, and the storm to grow ominously. Those who watched the face of the king saw him to be in doubt; then he lifted his eyes to heaven and prayed before them all, "If I have set before my eyes the things which make for the peace of clergy and people, if the King of heaven has ordained that peace shall be restored by my arrival, then let Him in His mercy bring me to a safe port; but if He is against me, and has decreed to visit my kingdom with a rod, then let me never touch the shores of the land."

A good omen was granted, and he safely reached Southampton. Refusing even to enter the city, and eating but bread and water, he pressed forward to Canterbury. At its gates he dismounted and put away from him the royal majesty, and with bare feet, in the garb of a pilgrim and penitent, his footsteps marked with blood, he passed on to the church. There he sought the martyr's sepulchre, and lying prostrate with outstretched hands, he remained long in prayer, with abundance of tears and bitter groanings. After a sermon by Foliot the king filled up the measure of humiliation. He made public oath that he was guiltless of the death of the archbishop, but in penitence of his hasty words he prayed absolution of the bishops, and gave his body to the discipline of rods, receiving three or five strokes from each one of the seventy monks. That night he prayed and fasted before the shrine, and the next day rode still fasting to London, which he reached on the 14th. Three days later a messenger rode at midnight

to the gate of the palace where the king lay ill, worn out by suffering and fatigue for which the doctors had applied their usual remedy of bleeding. He forced his way to the door of the king's bedchamber. "Who art thou?" cried the king, suddenly startled from sleep. "I am the servant of Ranulf de Glanville, and I come to bring good tidings."—"Ranulf our friend, is he well?"—"He is well, my lord, and behold he holds your enemy, the King of Scots, captive in chains at Richmond." The king was half stunned by the news, but as the messenger produced Glanville's letter, he sprang from his bed, and in a transport of emotion and tears, gave thanks to God, while the joyful ringing of bells told the good news to the London citizens.

Two great dangers, in fact, had passed away while the king knelt before the shrine at Canterbury. On that very day the Scottish army had been broken to pieces. In the south the fleet which lay off the coast of Flanders had dispersed. On the 18th of July, the day after the good news had come, Henry himself marched north with the army that had been gathered while he lay ill. Before a week was over Hugh Bigod had yielded up his castles and banished his Flemish soldiers. The Bishop of Durham secretly sent away his nephew, the Count of Bar, who had landed with foreign troops. Henry's Welsh allies attacked Tutbury, a castle of the Earl of Ferrers. Geoffrey, the bishop-elect of Lincoln, had before Henry's landing waged vigorous war on Mowbray. By the end of July the whole resistance was at an end. On the last day of the month the king held a council at Northampton, at which William of Scotland stood before him a prisoner, while Hugh of Durham, Mowbray, Ferrers, and the

officers of the Earl of Leicester came to give up their fortresses. The castles of Huntingdon and Norfolk were already secured. The suspected Earls of Gloucester and of Clare swore fidelity at the King's Court. Scotland was helpless. A treaty was made with the Irish kings. Wales was secured by a marriage between the prince of North Wales and Henry's sister.

But there was still danger over sea, where the armies of the French and the Flemings had closed round Rouen. On the 8th of August, exactly a month after his landing at Southampton, Henry again crossed the Channel with his unwieldy train of prisoners. As he stood under the walls of Rouen, the besieging armies fled by night. Louis' fancy already showed him the English host in the heart of France, and in his terror he sought for peace. The two kings concluded a treaty at Gisors, and on the 30th of September the conspiracy against Henry was finally dissolved. His sons did homage to him, and bound themselves in strange mediæval fashion by the feudal tie which was the supreme obligation of that day; he was now "not only their father, but their liege lord." The Count of Flanders gave up into Henry's hands the charter given him by the young king. The King of Scotland made absolute submission in December 1174, and was sent back to his own land. Eleanor alone remained a close prisoner for years to come.

The revolt of 1173-74 was the final ruin of the old party of the Norman baronage. The Earl of Chester got back his lands, but lost his castles, and was sent out of the way to the Irish war; he died before the king in 1181. Leicester humbly admitted "that he and all his holdings were at the mercy of the king," and Henry

"restored to him Leicester, and the forest which by common oath of the country had been sworn to belong to the king's own domain, for he knew that this had been done for envy, and also because it was known that the king hated the earl;" but Henry had a long memory, and the walls of Leicester were in course of time thrown down and its fortifications levelled. The Bishop of Durham had to pay 200 marks of silver for the king's pardon, and give up Durham Castle. At the death of Hugh Bigod in 1177 Henry seized the earl's treasure. The Earls of Clare and Gloucester died within two years, and the king's son John was made Gloucester's heir. The rebel Count of Aumale died in 1179, and his heiress married the faithful Earl of Essex, who took the title of Aumale with all the lands on both sides of the water. In 1186 Roger Mowbray went on crusade. The king took into his own hands all castles, even those of "his most familiar friend," the justiciar De Lucy. The work of dismantling dangerous fortresses which he had begun twenty years before was at last completed, and no armed revolt of the feudal baronage was ever again possible in England.

But the rebellion had wakened in the king's mind a deep alarm, which showed itself in a new severity of temper. Famine and plague had fallen on the country; the treasury was wellnigh empty; law and order were endangered. Henry hastened to return as soon as his foreign campaign was over, and in May 1175 "the two kings of England, whom a year before the breadth of the kingdom could not contain, now crossed in one ship, sat at one table, and slept in one bed." In token of reconciliation with the Church they attended a synod at

Westminster, and went together on solemn pilgrimage to the martyr's tomb. Then they made a complete visitation of the whole kingdom. Starting from Reading on the 1st of June, they went by Oxford to Gloucester, then along the Welsh border to Shrewsbury, through the midland counties by Lichfield and Nottingham to York, and then back to London, having spent on their journey two months and a few days; and in autumn they made a progress through the south-western provinces. At every halt some weighty business was taken in hand. The Church was made to feel anew the royal power. Twelve of the great abbeys were now without heads, and the king, justly fearing lest the monks should elect abbots from their own body, "and thus the royal authority should be shaken, and they should follow another guidance than his own," sent orders that on a certain day chosen men should be sent to elect acceptable prelates at his court and in his presence. The safety of the Welsh marches was assured. The castle of Bristol was given up to the king, and border barons and Welsh princes swore fidelity at Gloucester. An edict given at Woodstock ordered that no man who during the war had been in arms against the king should come to his court without a special order; that no man should remain in his court after the setting of the sun, or should come to it before the sun rising; in the England that lay west of the Severn, none might carry bow and arrow or pointed knife. In this wild border district the checks which prevailed elsewhere against violent crime were unknown. The outlaw or stranger who fled to forest or moorland for hiding, might lawfully be slain by any man who met him. No "murder-fine" was

known there. The king, not daring perhaps to interfere with the "liberties" of the west, may have sought to check crime by this order against arms; but such a law was practically a dead letter, for in a land where every man was the guardian of his own life it was far more perilous to obey the new edict than to disregard it.

The king's harsh mood was marked too by the cruel prosecutions of offences against forest law which had been committed in the time of the war. The severe punishments were perhaps a means of chastizing disaffected landowners; they were certainly useful in filling the empty treasury. Nobles and barons everywhere were sued for hunting or cutting wood or owning dogs, and were fined sometimes more than their whole possessions were worth. In vain the justiciar, De Lucy, pleaded for justice to men who had done these things by express orders of the king given to De Lucy himself; "his testimony could prevail nothing against the royal will." Even the clergy were dragged before the civil courts, "neither archbishop nor bishop daring to make any protest." The king's triumph over the rebellion was visibly complete when at York the treaty which had been made the previous year with the King of Scotland was finally concluded, and William and his brother did homage to the English sovereigns. A few weeks later Henry and his son received at Windsor the envoys of the King of Connaught, the only one of the Irish princes who had till now refused homage.

In the Church as in the State the royal power was unquestioned. A papal legate arrived in October, who proved a tractable servant of the king; "with the right hand and the left he took gifts, which he planted together

in his coffers." His coming gave Henry opportunity to carry out at last through common action of Church and State his old scheme of reforms. In the Assize of Northampton, held in January 1176, the king confirmed and perfected the judicial legislation which he had begun ten years before in the Assize of Clarendon. The kingdom was divided into six circuits. The judges appointed to the circuits were given a more full independence than they had before, and were no longer joined with the sheriffs of the counties in their sessions; their powers were extended beyond criminal jurisdiction to questions of property, of inheritance, of wardship, of forfeiture of crown lands, of advowsons to churches, and of the tenure of land. For the first time the name of Justitiarii Itinerantes was given in the Pipe Roll to these travelling justices; and the anxiety of the king to make the procedure of his courts perfectly regular, instead of depending on oral tradition, was shown by the law-books which his ministers began at this time to draw up. As a security against rebellion, a new oath of fealty was required from every man, whether earl or villein; fugitives and outlaws were to be more sharply sought after, and felons punished with harsher cruelty. "Thinking more of the king than of his sheep," the legate admitted Henry's right to bring the clergy before secular courts for crimes against forest law, and in various questions of lay fiefs; and agreed that murderers of clerks, who till then had been dealt with by the ecclesiastical courts, should bear the same punishment as murderers of laymen, and should be disinherited. Religious churchmen looked on with helpless irritation at Henry's first formal victory over the principles of

Thomas; in the view of his own day he had "renewed the Assize of Clarendon, and ordered to be observed the execrable decrees for which the blessed martyr Thomas had borne exile for seven years, and been crowned with the crown of martyrdom."

During the next two years Henry was in perpetual movement through the land from Devon to Lincoln, and between March 1176 and August 1177 he summoned eighteen great councils, besides many others of less consequence. From 1178 to 1180 he paid his last long visit to England, and again with the old laborious zeal he began his round of journeys through the country. "The king inquired about the justices whom he had appointed, how they treated the men of the kingdom; and when he learned that the land and the subjects were too much burthened with the great number of justices, because there were eighteen, he elected five—two clerks and three laymen—all of his own household; and he ordered that they should hear all appeals of the kingdom and should do justice, and that they should not depart from the King's Court, but should remain there to hear appeals, so that if any question should come to them they should present it to the audience of the king, and that it should be decided by him and by the wise men of the kingdom." The *Justices of the Bench*, as they were called, took precedence of all other judges. The influence of their work was soon felt. From this time written records began to be kept of the legal compromises made before the King's Court to render possible the transference of land. It seems that in 1181 the practice was for the first time adopted of entering on rolls all the business which came to the King's Court, the pleas of the

Crown and common pleas between subjects. Unlike in form to the great Roll of the Pipe, in which the records of the Exchequer Court had long been kept, the Plea Rolls consisted of strips of parchment filed together by their tops, on which, in an uncertain and at first a blundering fashion, the clerks noted down their records of judicial proceedings. But practice soon brought about an orderly and mechanical method of work, and the system of procedure in the Bench rapidly attained a scientific perfection. Before long the name of the *Curia Regis* was exclusively applied to the new court of appeal.

The work of legal reform had now practically come to an end. Henry indeed still kept a jealous watch over his judges. Once more, on the retirement of De Lucy in 1179, he divided the kingdom into new circuits, and chose three bishops—Winchester, Ely, and Norwich—"as chief justiciars, hoping that if he had failed before, these at least he might find steadfast in righteousness, turning neither to the right nor to the left, not oppressing the poor, and not deciding the cause of the rich for bribes." In the next year he set Glanville finally at the head of the legal administration. After that he himself was called to other cares. But he had really finished his task in England. The mere system of routine which the wisdom of Henry I. had set to control the arbitrary power of the king had given place to a large and noble conception of government; and by the genius of Henry II. the law of the land was finally established as the supreme guardian of the old English liberties and the new administrative order.

CHAPTER X

THE COURT OF HENRY

In the years that followed the Assize of Northampton Henry was at the height of his power. He was only forty-three, and already his triumph was complete. One of his sons was King of England, one Count of Poitou, one Lord of Britanny, one was named King of Ireland. His eldest daughter, wife of the Duke of Saxony, was mother of a future emperor, the second was Queen of Castile, the third was in 1176 married to William of Sicily, the wealthiest king of his time. All nations hastened to do honour to so great a potentate. Henry's counsellors were called together to receive, now ambassadors from Sicily, now the envoys of the Emperors both of the East and of the West, of the Kings of Castile and Navarre, and of the Duke of Saxony, the Archbishop of Reims, and the Count of Flanders.

In England the king's power knew no limits. Rebellion had been finally crushed. His wife and sons were held in check. He had practically won a victory over the Church. Even in renouncing the Constitutions of Clarendon at Avranches Henry abandoned more in word than in deed. He could still fall back on the law of the land and the authority which he had inherited from the Norman kings. Since the Conqueror's days no

Pope might be recognized as Apostolic Pope save at the king's command; no legate might land or use any power in England without the king's consent; no ecclesiastical senate could decree laws which were not authorized by the king, or could judge his servants against his will. The king could effectually resist the introduction of foreign canon law; he could control communications with Rome; he could stay the proceedings of ecclesiastical courts if they went too far, or prejudiced the rights of his subjects; and no sentence could be enforced save by his will. Henry was strong enough only six years after the death of Thomas to win control over a vast amount of important property by insisting that questions of advowson should be tried in the secular courts, and that the murderers of clerks should be punished by the common law. He was able in effect to prevent the Church courts from interfering in secular matters save in the case of marriages and of wills. He preserved an unlimited control over the choice of bishops. In an election to the see of St. David's the canons had neglected to give the king notice before the nomination of the bishop. He at once ordered them to be deprived of their lands and revenues. "As they have deprived me," he said, "of all share in the election, they shall have neither part nor lot in this promotion." The monks, stricken with well-founded terror, followed the king from place to place to implore his mercy and to save their livings; with abject repentance they declared they would accept whomsoever the king liked, wherever and whenever he chose. Finally Henry sent them a monk unknown to the chapter, who had been elected in his chamber, at his bedside, in the presence of his paid servants, and according to his orders,

"after the fashion of an English tyrant," and who had then and there raised his tremulous and fearful song of thanksgiving. Towards the close of his reign there was again a dispute as to the election of an Archbishop of Canterbury. The monks, under Prior Alban, were determined that the election should lie with them. The king was resolved to secure the due influence of the bishops, on whom he could depend. "The Prior wanted to be a second Pope in England," he complained to the Count of Flanders, to which his affable visitor replied that he would see all the churches of his land burned before he would submit to such a thing. For three months the strife raged between the convent and the bishops in spite of the king's earnest efforts at reconciliation. "Peace is by all means to be sought," he urged. "He was a wise man who said, 'Let peace be in our days.' For the sake of God choose peace; as much as in you lies follow after peace." "The voice of the people is the voice of God," he argued in proposing at last that bishops and monks should sit together for the election. "But this he said," observed the monks, "knowing the mind of the bishops, and that they sought rather the favour of the king than of God, as their fathers and predecessors had done, who denied St. Anselm for Rufus, who forsook Theobald for King Stephen, who rejected the holy martyr Thomas for King Henry." Henry, however, won the day, and his friend and nominee, the good Bishop Baldwin of Worcester, singular for piety and righteousness, was set in the Primate's chair. Of this archbishop we read that "his power was so great and so formidable that no one was equal to him in all England, and without his pleasure no one would dare

even to obey the commands of the Pope. . . . But," adds the irritated chronicler, "I think that he would do nothing save at the orders of the king, even if the Apostle Peter came to England about it."

In the opinion of anxious critics of the day, indeed, the victory which had been almost won by Thomas seemed altogether lost after his death. Even the monasteries, where the ecclesiastical temper was most formidable, were forced to choose abbots and priors whom the king could trust. In its subjection the Church was in Henry's eyes an admirable engine to serve the uses of the governing power. One of the most important steps in the conquest of Wales had been the forcing of the Welsh Church into obedience to the see of Canterbury; and Henry steadily used the Welsh clergy as instruments of his policy. His efforts to draw the Scotch Church into a like obedience were unceasing. In Ireland he worked hard for the same object. On the death of an Archbishop of Dublin, the Irish clergy were summoned to Evesham, and there bidden in the king's court, after the English fashion, to choose an Englishman, Cumin, as their archbishop. The claims of the papacy were watched with the most jealous care. No legate dared to land in England save at the king's express will. A legate in Ireland who seemed to "play the Roman over them" was curtly told by the king's officers that he must do their bidding or leave the country. In 1184 the Pope sent to ask aid for his necessities in Rome. A council was called to consider the matter, and Glanville urged that if papal messengers were allowed to come through England collecting money, it might afterwards become a custom to the injury of the kingdom. The Council decided that the only tolerable

solution of the difficulty was for the king to send whatever he liked to the Pope as a gift from himself, and to accept afterwards from them compensation for what he might have given.

The questions raised by the king between Church and State in England had everywhere to be faced sooner or later. Even so devoted a servant of the Church as St. Louis of France was forced into measures of reform as far-reaching as those which Henry had planned a century earlier. But Henry had begun his work a hundred years too soon; he stood far before his age in his attempt to bring the clergy under a law which was not their own. His violence had further hindered the cause of reform, and the work which he had taken in hand was not to be fully carried out till three centuries and a half had passed away. We must remember that in raising the question of judicial reform he had no desire to quarrel with the Church or priesthood. He refused indeed to join in any fanatical outbreak of persecution of the Jews, such as Philip of France consented to; and when persecution raged against the Albigenses of the south he would have no part or lot in it, and kept his own dominions open as a refuge for the wandering outcasts; but this may well have been by the counsel of the wise churchmen about him. To the last he looked on the clergy as his best advisers and supporters. He never demanded tribute from churches or monasteries, a monkish historian tells us, as other princes were wont to do on plea of necessity; with religious care he preserved them from unjust burthens and public exactions. By frequent acts of devotion he sought to win the favour of Heaven or to rouse the religious sympathies of England on his behalf

In April 1177 he met at Canterbury his old enemy, the Archbishop of Reims, and laid on the shrine of St. Thomas a charter of privileges for the convent. On the 1st of May he visited the shrine of St. Eadmund, and the next day that of St. Ætheldreda at Ely. The bones of a saint stolen from Bodmin were restored by the king's order, and on their journey were brought to Winchester that he might do them reverence. Relics discovered by miraculous vision were buried with pomp at St. Albans. Since his vow four years before at Avranches to build three monasteries for the remission of his sins, he had founded in Normandy and England four or five religious houses for the Templars, the Carthusians, and the Austin canons; he now brought nuns from Fontevraud, for whom he had a special reverence, and set them in the convent at Amesbury, whose former inhabitants were turned out to make way for them; while the canons of Waltham were replaced by a stricter order of Austin canons. A templar was chosen to be his almoner, that he might carry to the king the complaints of the poor which could not come to his own ears, and distribute among the needy a tenth of all the food and drink that came into the house of the king.

It is true that on Henry himself the strife with the Church left deep traces. He became imperious, violent, suspicious. The darker sides of his character showed themselves, its defiance, its superstition, its cynical craft, its passionate pride, its ungoverned wrath. His passions broke out with a reckless disregard of earlier restraints. Eleanor was a prisoner and a traitor; she was nearly fifty when he himself was but forty-one. From this time she practically disappeared

out of Henry's life. The king had bitter enemies at court, and they busied themselves in spreading abroad dark tales; more friendly critics could only plead that he was "not as bad as his grandfather." After the rebellion of 1174 he openly avowed his connection with Rosamond Clifford, which seems to have begun some time before. Eleanor was then in prison, and tales of the maze, the silken clue, the dagger, and the bowl, were the growth of later centuries. But "fair Rosamond" did not long hold her place at court. She died early and was carried to Godstowe nunnery, to which rich gifts were sent by her friends and by the king himself. A few years later Hugh of Lincoln found her shrine before the high altar decked with gold and silken hangings, and the saintly bishop had the last finery of Rosamond swept from the holy place, till nothing remained but a stone with the two words graven on it, "Tumba Rosamundæ."

But behind Henry's darkest and sternest moods lay a nature quick in passionate emotion, singularly sensitive to affection, tender, full of generous impulse, clinging to those he loved with yearning fidelity and long patience. The story of St. Hugh shows the unlimited influence won over him by a character of singular holiness. Henry had brought Hugh from Burgundy, and set him over a newly-founded Cistercian priory at Witham. The little settlement was in sore straits, and the impatient monks railed passionately at the king, who had abandoned them in their necessities. It was just after the rebellion, and Henry, hard pressed by anxiety, was in his harshest and most bitter temper. "Have patience," said Hugh, "for the king is wise beyond measure and wholly inscrutable; it may be that he delays to grant

our request that he may try us." But brother Girard was not to be soothed, and in a fresh appeal to the king his vehemence broke out in a torrent of reproaches and abuse. Henry listened unmoved till the monk ceased from sheer lack of words. There was dead silence for a time, while Prior Hugh bent down his head in distress, and the king watched him under his eyelids. At last, taking no more notice of the monk than if he never existed, Henry turned to Hugh, "What are you thinking of, good man?" he said. "Are you preparing to go away and leave our kingdom?" Hugh answered humbly and gently, "I do not despair of you so far, my lord; rather I have great sorrow for the troubles and labours which hinder the care for your soul. You are busy now, but some day, when the Lord helps, we will finish the good work begun." At this the king's self-control broke down; his tears burst forth as he fell on Hugh's neck, and cried with an oath, "By the salvation of my soul, while you have the breath of life you shall not depart from my kingdom! With you I will hold wise counsel, and with you I will take heed for my soul!" From that time there was none in the kingdom whom Henry loved and trusted as he did the Prior of Witham, and to the end of his life he constantly sought in all matters the advice of one who gave him scant flattery and much sharp reproof. The coarse-fibred, hard-worked man of affairs looked with superstitious reverence on one who lived so near to God that even in sleep his lips still moved in prayer. Such a man as Hugh could succeed where Thomas of Canterbury had failed. He excommunicated without notice to the king a chief forester who had interfered with the liberties of the

Lincoln clergy, and bluntly refused to make amends by appointing a royal officer to a prebend in his cathedral, saying that "benefices were for clergy and not for courtiers." A general storm of abuse and calumny broke out against him at the palace. Henry angrily summoned him to his presence. The bishop was received by the king in an open space under the trees, where he sat with all the courtiers ranged in a close circle. Hugh drew near and saluted, but there was no answer. Upon this the bishop put his hand lightly on the noble who sat next to the king, and made place for himself by Henry's side. Still the silence was unbroken, the king speechless as a furious man choked with his anger. Looking up at last, he asked a servant for needle and thread, and began to sew up a torn bandage which was tied round a wounded finger. The lively Frenchman observed him patiently; at last he turned to the king, "How like you are now," he said, "to your cousins of Falaise!" The king's quick wit caught the extravagant impertinence, and in an ecstasy of delight he rolled on the ground with laughter, while a perplexed merriment ran round the circle of courtiers who scarce knew what the joke might be. At last the king found his voice. "Do you hear the insolence of this barbarian? I myself will explain." And he reminded them of his ancestress, the peasant girl Arlotta of Falaise, where the citizens were famous for their working in skins. "And now, good man," he said, turning to the bishop in a broad good-humour, "how is it that without consulting us you have laid our forester under anathema, and made of no account the poor little request we made, and sent not even a message of explanation or excuse?"—"Ah," said Hugh,

"I knew in what a rage you and your courtiers were!" and he then proceeded boldly to declare what were his rights and duties as a bishop of the Church of God. Henry gave way on every point. The forester had to make open satisfaction and was publicly flogged, and from that time the bishop was no more tormented to set courtiers over the Church.

There were many other theologians besides Hugh of Lincoln among the king's friends—Baldwin, afterwards archbishop; Foliot, one of the chief scholars of his time; Richard of Ilchester, as learned in theology as capable in administration; John of Oxford, lawyer and theologian; Peter of Blois, ready for all kinds of services that might be asked, and as skilled in theology as in rhetoric. Henry was never known to choose an unworthy friend; laymen could only grumble that he was accustomed to take advice of bishops and abbots rather than that of knights even about military matters. But theology was not the main preoccupation of the court. Henry, inquisitive in all things, learned in most, formed the centre of a group of distinguished men which, for varied intellectual activity, had no rival save at the university of Paris. There was not a court in Christendom in the affairs of which the king was not concerned, and a crowd of travellers was for ever coming and going. English chroniclers grew inquisitive about revolutions in Norway, the state of parties in Germany, the geography of Spain. They copied despatches and treaties. They asked endless questions of every traveller as to what was passing abroad, and noted down records which have since become authorities for the histories of foreign states. Political and historical questions were eagerly

debated. Gerald of Wales and Glanville, as they rode together, would discuss why the Normans had so fallen away in valour that now even when helped by the English they were less able to resist the French than formerly when they stood alone. The philosophic Glanville might suggest that the French at that time had been weakened by previous wars, but Gerald, true to the feudal instincts of a baron of the Norman-Welsh border, spoke of the happy days before dukes had been made into kings, who oppressed the Norman nobles by their overbearing violence, and the English by their insular tyranny; "For there is nothing which so stirs the heart of man as the joy of liberty, and there is nothing which so weakens it as the oppression of slavery," said Gerald, who had himself felt the king's hand heavy on him.

One of the most striking features of the court was the group of great lawyers which surrounded the king. The official nobility trained at the Exchequer and Curia Regis, and bound together by the daily work of administering justice, formed a class which was quite unknown anywhere on the continent. It was not till a generation later that a few clerks learned in civil law were called to the king's court of justice in France, and the system was not developed till the time of Louis IX.; in Germany such a reform did not take place for centuries. But in England judges and lawyers were already busied in building up the scientific study of English law. Richard Fitz-Neal, son of Bishop Nigel of Ely and great-nephew of Roger of Salisbury, and himself Treasurer of the Exchequer and Bishop of London, began in 1178 the *Dialogus de Scaccario*, an elaborate account of the whole

system of administration. Glanville, the king's justiciar, drew up probably the oldest version which we have of the Conqueror's laws and the English usages which still prevailed in the inferior jurisdictions. A few years later he wrote his *Tractatus de Legibus Angliæ*, which was in fact a handbook for the Curia Regis, and described the new process in civil trials and the rules established by the Norman lawyers for the King's Court and its travelling judges. Thomas Brown, the king's almoner, besides his daily record of the king's doings, left behind him an account of the laws of the kingdom.

The court became too a great school of history. From the reign of Alfred to the end of the Wars of the Roses there is but one break in the contemporary records of our history, a break which came in the years that followed the outbreak of feudal lawlessness. In 1143 William of Malmesbury and Orderic ceased writing; in 1151 the historians who had carried on the task of Florence of Worcester also ceased; three years later the Saxon Chronicle itself came to an end, and in 1155 Henry of Huntingdon finished his work. From 1154 to 1170 we have, in fact, no contemporary chronicle. In the historical schools of the north compilers had laboured at Hexham, at Durham, and in the Yorkshire monasteries to draw together valuable chronicles founded on the work of Baeda; but in 1153 the historians of Hexham closed their work, and those of Durham in 1161. Only the monks of Melrose still carried on their chronicle as far as 1169. The great tradition, however, was once more worthily taken up by the men of Henry's court, kindled by the king's intellectual activity. A series of chronicles appeared in a few years, which are un-

paralleled in Europe at the time. At the head of the court historians stood the treasurer, Richard Fitz-Neal, the author of the *Dialogus*, who in 1172 began a learned work in three columns, treating of the ecclesiastical, political, and miscellaneous history of England in his time—a work which some scholars say is included in the *Gesta Henrici II.* that was once connected with the name of Benedict of Peterborough. The king's clerk and justiciar, Roger of Hoveden, must have been collecting materials for the famous Chronicle which he began very soon after Henry's death, when he gathered up and completed the work of the Durham historians. Gervase of Tilbury, marshal of the kingdom of Arles, well known in every great town of Italy and Sicily, afterwards the writer of *Otia Imperialia* for the Emperor Otto IV., wrote a book of anecdotes, now lost, for the younger King Henry. Gerald of Wales, a busy courtier, and later a chaplain of the king, was the brilliant historian of the Irish conquest and the mighty deeds of his cousins, the Fitz-Geralds and Fitz-Stephens. "In process of time when the work was completed, not willing to hide his candle under a bushel, but to place it on a candlestick that it might give light to all, he resolved to read it publicly at Oxford, where the most learned and famous English clergy were at that time to be found. And as there were three distinctions or divisions in the work, and as each division occupied a day, the reading lasted three successive days. On the first day he received and entertained at his lodgings all the poor of the town; on the next day all the doctors of the different faculties and such of their pupils as were of fame and note; on the third day the rest of the scholars with the *milites*,

townsmen, and many burgesses. It was a costly and noble act; the authentic and ancient times of poesy were thus in some measure renewed, and neither present nor past time can furnish any record of such a solemnity having ever taken place in England."

Literature was shaking itself free from the limits imposed upon it while it lay wholly in the hands of churchmen, and Gerald's writings, the first books of vivacious and popular prose-writing in England, were avowedly composed for "laymen and uneducated princes," and professed to tell "the doings of the people." He declared his intention to use common and easily understood words as he told his tales of Ireland and Wales, of their physical features, their ways and customs, and with a literary instinct that knew no scruple, added scandal, gossip, satire, bits of folk-lore or of classical learning or of Bible phrases, which might serve the purposes of literary artifice or of frank conceit. The independent temper which had been stirred by the fight with the Church was illustrated in his *Speculum Ecclesiæ*, a bitter satire on the monks and on the Roman Curia. A yet more terrible scorn of the crime and vice which disgraced the Church inspired the *Apocalypse* and the *Confession of Bishop Goliath*, the work of Walter Map, Archdeacon of Oxford, king's chaplain ever since the days when Becket was chancellor, justiciar, ambassador, poet, scholar, theologian, satirist. The greater part of the legends of the Saint Graal that sprang out of the work of Robert de Boron were probably woven together by his genius; and were used in the great strife to prove that the English Church originated independently of Rome. His *Courtier's Triflings*, suggested by John of

Salisbury's *Polycraticus*, is the only book which actually bears his name, and with its gossip, its odd accumulations of learning, its fragments of ancient history, its outbursts of moral earnestness, its philosophy, brings back to us the very temper of the court and the stir and quickening of men's minds—a stir which found expression in other works of bitter satire, in the lampoon of *Ralph Niger*, and in the violent attacks on the monks by *Nigellus*.

Nor was the new intellectual activity confined to the court. The whole country shared in the movement. Good classical learning might be had in England, if for the new-fashioned studies of canon law and theology men had to go abroad; but conservative scholars grumbled that now law and physics had become such money-making sciences that they were beginning to cut short the time which used to be given to classical studies. Gerald of Wales mourned over the bringing in from Spain of "certain treatises, lately found and translated, pretended to have been written by Aristotle," which tended to foster heresy. The cathedral schools, such as York, Lincoln, or London, played the part of the universities in our own day. The household of the Archbishop of Canterbury had been the earliest and the most distinguished centre of learning. Of all the remarkable men of the day there was none to compare with John of Salisbury, the friend of Theobald and of Becket, and his book, the *Polycraticus* (1156-59), was perhaps the most important work of the time. It begins by recounting the follies of the court, passes on to the discussion of politics and philosophy, deals with the ethical systems of the ancients, and hints at a new system of his own, and is everywhere enriched by wide reading and learn-

ing acquired at the schools of Chartres and Paris. London could boast of the historian Ralph of Diceto, always ready with a quotation from the classics amid the court news and politics of his day. Monasteries rivalled one another in their collection of books and in drawing up of chronicles. If their brethren were more famed for piety than for literary arts, they would borrow some noted man of learning, or even a practised scribe, who would for the occasion write under a famous name. The friends and followers of Becket told on every side and in every way, in prose or poetry, in Latin or Norman-French, the story of their master's martyrdom and miracles. The greatest historian of his day, William of Newburgh, was monk in a quiet little Yorkshire monastery. Gervase, a monk of Canterbury, began the Chronicle that bears his name in 1185. The historical workers of Durham, of Hexham, and of Melrose started into a new activity. A canon of the priory of St. Bartholomew's in London wrote before Henry's death a life of its founder Rahere, and noted the first cases received into the hospital. Joseph of Exeter, brother of Archbishop Baldwin, was the brilliant author of a Latin poem on the *Troy Story*, and of a poetic history of the first crusade. There was scarcely a religious house in the whole land which could not boast of some distinction in learning or literature.

Even the feudal nobles caught the prevailing temper. A baron was not content to have only his household dwarf or jester, he must have his household poet too. Intellectual interest and curiosity began to spread beyond the class of clerks to whom Latin, the language of learning and worship, was familiar, and a demand began to

spring up for a popular literature which could be understood of the unlearned baron or burgher. Virgil and Statius and Ovid were translated into French. Wace in 1155 dedicated to Eleanor his translation into Norman-French of the *History of Geoffrey of Monmouth*, a book which came afterwards to be called the *Brut d'Engleterre*, and was one of the sources of the first important English poem, Layamon's *Brut*. Later on, in honour of Henry, Wace told in the *Roman de Rou* the story of his Norman ancestors, and the poem, especially in the account of Senlac, has given some brilliant details to history. Other Norman-French poems were written in England on the rebellion, on the conquest of Ireland, on the life of the martyred Thomas—poems which threw off the formal rules of the stilted Latin fashion, and embodied the tales of eye-witnesses with their graphic brief descriptions. An Anglo-Norman literature of song and sermon fast grew up, absolutely identical in tongue with the Norman literature beyond the Channel, but marked by special characteristics of thought and feeling. Meanwhile English, as the speech of the common folk, still lived on as a tongue apart, a tongue so foreign to judges and barons and courtiers that authors or transcribers could not copy half a dozen English lines without a mistake. The serfs and traders who spoke it were too far removed from the upper court circle to take into their speech foreign words or foreign grammatical forms; the songs which their minstrels sang from fair to fair only lived on the lips of the poor, and left no echo behind them.

CHAPTER XI

THE DEATH OF HENRY

In the last nine years of Henry's reign his work lay elsewhere than in his English kingdom. They were years spent in a passionate effort to hold together the unwieldy empire he had so laboriously built up. On the death of Louis in 1180 the peaceful and timid traditions of his reign were cast aside by the warlike Philip, who had from childhood cherished a violent hatred against Henry, and who was bent on the destruction of rival powers, and the triumph of the monarchy in France. Henry's absorbing care, on the other hand, was to prevent war; and during the next four years he constantly forced reconciliation on the warring princes of France. "All who loved peace rejoiced at his coming," the chroniclers constantly repeat. "He had faith in the Lord, that if he crossed over he could make peace." "As though always at his coming peace should certainly be made."

But in Britanny and in Aquitaine there was no peace. The sons whom he had set over his provinces had already revolted in 1173. In 1177 fresh troubles broke out, and from that time their history was one of unbroken revolt against their father and strife amongst themselves. "Dost thou not know," Geoffrey once answered a messenger of his father's, sent to urge him

to peace, "that it is our proper nature, planted in us by inheritance from our ancestors, that none of us should love the other, but that ever brother should strive against brother, and son against father. I would not that thou shouldst deprive us of our hereditary right, nor vainly seek to rob us of our nature!" In 1182 Henry sought once more to define the authority of his sons, and to assert the unity of the Empire under his own supremacy by ordering Richard and Geoffrey to do homage to their brother for Aquitaine and Britanny. Richard's passionate refusal struck the first open blow at his father's imperial-schemes, and war at once broke out. The nobles of Aquitaine, weary of the severe rule of Richard, had long plotted to set in his place his gentler brother Henry, and the young king, along with Geoffrey, lent himself openly to the conspiracy. In 1183 they called for help from Flanders, France, and Normandy, and a general revolt seemed on the point of breaking out, like that of ten years before. Henry II. was forced to march himself into Aquitaine. But in a war with his sons he was no longer the same man as when he fought with French king or rebel barons. His political sagacity and his passionate love of his children fought an unequal battle. Duped by every show of affection, he was at their mercy in intrigue. Twice peaceful embassies, which he sent to Henry and Geoffrey, were slain before their eyes without protest. As he himself talked with them they coolly saw one of their archers shoot at him and wound his horse. The younger Henry pretended to make peace with his father, sitting at meat with him, and eating out of the same dish, that Geoffrey might have time to ravage the land unhindered. Geoffrey

successfully adopted the same device in order to plunder the churches of Limoges. The wretched strife was only closed at last by the death of the younger Henry in 1183.

His death, however, only opened new anxieties. Richard now claimed to take his brother's place as heir to the imperial dignity, while at the same time he exercised undivided lordship over an important state—a position which the king had again and again refused to Henry. Geoffrey, whose over-lord the young king had been, sought to rule Britanny as a dependent of Philip, and his plots in Paris with the French king were only ended by his death in 1185. Philip, on his part, demanded, at the death of the young king, the restoration of Margaret's dowry, the Vexin and Gisors; when Geoffrey died he claimed to be formally recognized as suzerain of Britanny, and guardian of his infant; he demanded that Richard should do homage directly to him as sovereign lord of Aquitaine, and determined to assert his rights over the lands so long debated of Berri and Auvergne. For the last years of Henry's reign disputes raged round these points, and more than once war was only averted by the excitement which swept over Europe at the disastrous news from the Holy Land.

After the death of the young king a precarious peace was established in Aquitaine, and Henry returned to England. In March 1185 he received at Reading the patriarch of Jerusalem and the master of the Hospital, bearing the standard of the kings of the Holy Land, with the keys of the Holy Sepulchre, of the tower of David, and of the city of Jerusalem. "Behold the keys of the kingdom," said the patriarch Heraclius with a burst of tears, "which the king and princes of the land have

ordered me to give to thee, because it is in thee alone, after God, that they have hope and confidence of salvation." The king reverently received them before the weeping assembly, but handed them back to the safe keeping of the patriarch till he could consult with his barons. He had long been pledged to join the holy war; he had renewed his vow in 1177 and 1181. But it was a heavy burden to be now charged with the crown of Jerusalem. Since the days of his grandfather, Fulk of Anjou, the last strong king of Jerusalem, there had been swift decay. Three of his successors were minors; and one was a leper; the fifth was repudiated by every one of his vassals. The last forty years had been marked by continual disaster. The armies of the Moslem were closing in fast on every side. A passion of sympathy was everywhere roused by the sorrows of the Holy City. All England, it was said, desired the crusade, and Henry's prudent counting of the cost struck coldly on the excited temper of the time. Gerald of Wales officiously took on himself, in the middle of a hunting party, to congratulate the king on the honour done to him and his kingdom, since the patriarch had passed by the lands of emperors and kings to seek out the English sovereign. Talk of this kind before all the court at such a critical moment much displeased the prudent king, and he answered in his biting way, "If the patriarch, or any other men come to me, they seek rather their own than my gain." The unabashed Gerald still went on, "Thou shouldst think it thy highest gain and honour, king, that thou alone art chosen before all the sovereigns of the earth for so great a service to Christ." "Thus bravely," retorted Henry, "the clergy provoke us

to arms and dangers, since they themselves receive no blow in the battle, nor bear any burden which they may avoid!"

Henry's council, however, held firm against the general tide of romantic enthusiasm. In the weighty question of the eastern crown the king had formally and openly pledged himself to act by the advice of his wise men, as no king before him since the Conquest had ever done. An assembly was summoned at Clerkenwell on the 18th of March. No councillors were called from Anjou or Normandy or Aquitaine; the decision was made solely by the advice of the prelates and barons of England. "It seemed to all," declared the council, "to be more fitting, and more for the safety of his soul, that he should govern his kingdom with moderation and preserve it from the irruptions of barbarians and from foreign nations, than that he should in his own person provide for the safety of the eastern nations." The verdict showed the new ideal of kingship which had grown up during Henry's reign, and which made itself deeply felt over the whole land when in the days of his successor the duties of righteous government were thrown aside for the vain glories of religious chivalry. But the patriarch heard the answer with bitter disappointment, and was not appeased by promises of money and forces for the war. "Not thus will you save your soul nor the heritage of Christ," he declared. "We come to seek a king, not money; for every corner of the world sends us money, but not one a prince." And in open court he flung his fierce prophecy at the king, that as till now he had been greatest among the kings of the earth, so henceforth, forsaken by God and destitute of His grace, until his latest breath his glory should be turned into disaster and

his honour into shame. Henry, as he rode with the patriarch back to Dover, listened with his strange habitual forbearance while Heraclius poured forth angry reproaches for the iniquities of his whole life, and declared at last that he had almost with his own hands slain St. Thomas. At this the king fiercely turned, with his eyes rolling in a mad storm of passion, and the patriarch bent his head. "Do with me," he cried, "what you did to Thomas. I would rather have my head cut off by you in England than by the Saracens in Palestine, for in truth you are worse than any Saracen!" The king answered with an oath, "If all the men of my kingdom were gathered in one body and spoke with one mouth they would not dare to say this to me." Heraclius pointed scornfully to the train of followers. "Do you indeed think that these men love you—these who care only for your wealth? It is the plunder, and not the man, that this crowd follows after!" Henry spoke of the danger from his sons if he should quit his dominions. "No wonder," was the parting taunt of Heraclius; "from the devil they came, and to the devil they will go."

As the pressure of foreign difficulties increased, Henry's inexhaustible ingenuity was only matched by his astonishing cynicism and reckless despotism. He released Eleanor from her long imprisonment, carried her to France, and by the help of a formidable army forced Richard to give up to his mother her inheritance of Aquitaine. Richard, however, was soon back in his duchy, and troubles quickly broke out again. Henry fell back on the only other son now left to him, John, the youngest and best loved, who alone had never yet been in arms against him. Through him he still hoped

to build up again the empire which his traitor brothers would have broken to pieces. John was called back from Ireland that he might be set over Aquitaine, and perhaps married to Richard's betrothed wife, Adela, while Richard himself was to be acknowledged heir of the imperial dignities. Philip and Richard were alike outraged at such a scheme. In the summer of 1187 the armies of Henry and Philip stood face to face, and a battle was only averted by the efforts of the clergy and papal legates, horrorstruck at a war between Christians when the Holy Land itself was almost lost. In this summer Tiberias was taken, the king of Jerusalem made captive, and the Holy Cross left in the hands of the infidel army. The loss of Jerusalem soon followed. Pope Urban died of grief. Everywhere a crusade was preached. Kings and princes laid aside their quarrels. At a council held in Flanders in 1188 Archbishop Baldwin pronounced excommunication on all in France, England, or Flanders who should stir up war during seven years. Henry hastened to England to prepare for the Crusade. A tithe on all property and movable goods was ordered to be paid before Easter. Wealthy men from the towns were brought before the king; if they refused to pay the tithe they were put in prison till they had given a fourth. Even Jews were not exempt; it was calculated they paid £60,000, while the Christians paid £70,000. Hugh of Durham was sent to Scotland to raise a tenth there. In vain the Scot king sought to prevent the messengers entering his land by offering to pay 5000 marks for the tithe and for the restoration of his castles; Henry found the political uses of the Crusade too great to barter for any bribe. The mission of Arch-

bishop Baldwin and the justiciar Glanville to Wales showed how the religious excitement of the time might serve the purposes of the administration. They made a circuit of the whole country, such as had never been attempted before, and would indeed have been impossible under any other pretence. All the dangerous part of the population, all the young and vigorous men, were drafted off for foreign war, for when once the cross was taken it could not be laid aside save on payment of a sum so large as to be impossible to the inhabitants of so poor a land. In England, too, clergy, knights, burgesses, and husbandmen pressed into the army. "By orders of the king," nobles and great prelates took the cross, and the king's orders doubtless were that not only the most pious but the most dangerous and restless men should take their journey to Palestine. From February to June Henry travelled through the country, from East Anglia to Winchester, then to Woodstock, back to London, and northwards again to Northampton. The tax fell heavily on the people; it was the first and only oppressive tax that he had ever laid on any of his dominions. Anger was hot against the king. At Portsmouth a noble lady came to Henry. "My lord," she said, "I have never feared for your state so much as now. In times past, whatever adversity happened, your fortune was always helped by the blessing of the people, but now, I say it with sorrow, even they have turned against you." The king broke out in bitter anger. "Without cause this people curses me, but if I live and come back they shall no longer curse me without cause."

But Henry was never to come back to England. One day in June a certain Walter of the royal house-

hold was terrified by a vision of St. Thomas, who appeared bearing a shining sword which he declared had been newly forged to pierce through the king himself. Walter hurried to the chapel, where Henry was at mass, to tell his tale. Three times the king bent before the altar and signed himself devoutly as though he prayed to the Lord, and then passed to his council-chamber. The next day he called Walter to his presence, and sadly shaking his head, spoke with deep sighs, "Walter, Walter, I have felt how cruelly thy sword can strike, for we have lost Châteauroux!" War had in fact broken out in Aquitaine. Toulouse had risen against Richard. Philip, in violation of his treaty, invaded Berri and marched into Auvergne. Hastily gathering an army, Henry crossed to France in a terrible storm. He met Philip at Gisors on the 30th of September, but after three days' bitter strife the kings parted. In November they met again at Bonmoulins in the presence of the Archbishop of Reims, and a great multitude of courtiers and knights. Richard, outraged by the rumour that Henry proposed to give Aquitaine to John, turned suddenly to Philip, while the people crowded round wondering, ungirt his sword, and stretched out his hands to do homage to him for all his father's lands from the Channel to the Pyrenees, His unhappy father started back, stunned by this new calamity, "for he had not forgotten the evil which Henry his son had done to him with the help of King Louis, and this Philip was yet worse than his father Louis." As father and son fell apart the people rushed together, while at the tumult the outer ring of soldiers laid their hands upon their swords, and thus Philip and Richard went out together, leaving Henry alone.

A great solitude had indeed fallen on the old king. His wife was still guarded as a prisoner. Two of his sons had died traitors to their father. A third was in open rebellion. All his daughters were in far-off lands, and one of them was soon to die. Only one son remained to him of all his household, and to him Henry now clung with a great love—the fierce tenacity of an affection that knew no other hope. The king himself was only fifty-six; but he was already an old man, worn out by the prodigious labours and anxieties of forty years. There were moments when a passionate despair settled down on his soul. One day he called his two friends, Baldwin and Hugh, out from the crowd of courtiers to ride beside him, and the bitterness of his heart broke forth, "Why should I revere Christ!" he cried, "why should I think Him worthy of honour who takes from me all honour in my lands, and suffers me to be thus shamefully confounded before that camp follower?" as he called the king of France. Then, as if beside himself, he struck spurs into his horse, and dashed back again into the throng of courtiers.

In the eyes of the world, however, Henry was still the most renowned among the kings of the earth in his unassailable triumph and success. For forty years his reign had been one long triumph. From every difficulty conquered he had gained new strength; every rebellion had left him more unquestioned master. He had never yet known defeat. The Church was now earnest in his support. Papal legates won for him a truce of two months after the conference at Bonmoulins, and when at its close Britanny broke out in revolt, and Richard led an army against his father's lands, the legates again procured peace

till after Easter. From February to June of 1189 Henry waited at Le Mans, still confident, it would seem, of peace. Once more legates were appointed to bring about a settlement between the two kings at La Ferté Bernard on the 4th of June. With a fierce outburst of anger Henry passionately refused the demands of Philip. The legate threatened to lay France under an interdict if Philip persisted in war; but Philip only retorted that the Roman Church had no right to interfere between the king of France and his rebel vassals, and added with a sneer that the cardinals already smelt English gold. Then at last Henry abandoned the hope of peace. His treasury was empty, and his lands on both sides of the water had been taxed to the last penny. His troops had melted away in search of more abundant pay. He was shut in between hostile forces—Breton rebels to westward, and the allied armies of Philip and Richard to eastward. The danger roused his old defiant energy. Glanville hurried to England "to compel all English knights, however exhausted and poor, to cross to France," while the king himself, with a few faithful barons and a small body of mercenaries, fell back on Le Mans, swearing that he would never forsake the citizens of the town where he had been born.

The French army, however, followed hard after him. On the 9th of June Philip and Richard halted fifteen miles off Le Mans; on the 11th of June they encamped under its walls. The next day they broke through the handful of troops who desperately held the bridge. A wealthy suburb which could no longer be defended was set on fire, so that it should not give shelter to the enemy; the wind swept the flames into the city, and Henry saw himself

shut in between the burning town and the advancing Frenchmen. Then for the first time in his life he turned his back upon his enemies. At the head of 700 horsemen he rode out over a bridge to the north, and fled towards Normandy. As he mounted the spur of a hill two miles off, he turned to look at the flames that rose from the city, and in the bitterness of his humiliation he cursed God—"The city which I have loved best on earth, the city in which I was born and bred, where my father lies buried, where is the body of Saint Julian—this Thou, O God, to the heaping up of my confusion, and to the increase of my shame, hast taken from me in this base manner! I therefore will requite as best I can; I will assuredly rob Thee too of the thing in me which Thou lovest best!"

For twenty miles the king, with his son Geoffrey the chancellor, and a few faithful followers, rode furiously under the burning sun through narrow lanes and broken roads till knights sank and died on the way. Once he was only saved from capture by the breaking of a bridge over a stream which was too deep for the pursuers to ford. Once Count Richard himself followed so hard upon them that he came up with the flying troop. William the marshal turned and raised his lance. "God's feet, marshal, do not kill me!" cried Richard; "I have no hauberk!" William struck his spear into the count's horse, so that it fell dead. "No, I will not kill you. Let the devil kill you!" he shouted with a fierce memory of the old prophecy. By nightfall Henry reached La Frenaye, within a day's ride of the Norman border. He threw himself on a bed, refusing to be undressed, and would scarcely allow Geoffrey to cover him with his own cloak.

The next morning he sent his friends forward into Normandy to gather its forces and renew the war. But he himself, in spite of all prayers and warnings, declared that he would go back to Anjou. His passionate emotion threw aside all cold calculations of reason. Every fortress on the way was in the hands of enemies; hostile armies were pressing in on every side; the roads were held by foreign troops,—French and Poitevin, Flemish mercenaries and Breton rebels—as the stricken king rode through the forests and along the trackways he had learned to know as a hunter in earlier days. Never had his indomitable will, his romantic daring, been so great as in this last desperate ride to reach the home of his race. He started on the 13th of June. Before the end of the month Geoffrey had hurried back from Normandy, and together they went to Chinon.

Henry was now shut in on every side. Poitou and Britanny were both in revolt. The forts along the Sarthe, the Loir, and the Loire had fallen into the hands of Philip. On the 30th of June his army was seen under the walls of Tours. Henry himself was on the same day suddenly struck down by fever; unable to meet the French king, he fell back down the river to Saumur. The great French princes, aghast at the swift catastrophe which had fallen, men scarcely knew how, on the Angevin king, trembling lest in this strange victory of the French monarchy his ruin should be the beginning of their own destruction, made a last effort for peace. But Philip stood firm, "seeing that God had delivered his enemy into his hand." On Monday, the 3d of July, the walls of Tours fell before his assault, and he sent a final summons to Henry to meet him at

Colombières, a field near Tours. The king travelled as far as the house of the Templars at Ballan. But there he was seized with intolerable agony in every nerve of his body from head to foot. Leaning for support against a wall in his extreme anguish, he called to him William the marshal, and the pitying bystanders laid him on a bed. News of his illness was carried to the French camp. But Richard felt no touch of pity. His father was but feigning some excuse to put off the meeting, he told Philip; and a message was sent back commanding him to appear on the next day. The sick king again called the marshal, and prayed him at whatever labour to carry him to the conference. "Cost what it may," he vowed, "I will grant whatever they ask to get them to depart. But this I tell you of a surety, if I can but live I will heal the country from war, and win my land back again." With a final effort of his indomitable will he rode on the 4th of July through the sultry summer heat to Colombières. The great assembly gathered to witness the triumph of France was struck with horror at the marks of suffering on his face, and Philip himself, moved by a sudden pity, called for a cloak to be spread on the ground on which the king might sit. But Henry's fierce temper flashed out once more; he would not sit, he said; even as he was he would hear what they asked of him, and why they cut short his lands. Then Philip stated his demands. Henry must do homage, and place himself wholly at the French king's mercy to do whatever he should decree. Richard must receive, as Henry's heir, the fealty of the barons of the lands on both sides the sea. A heavy sum was to be paid to Philip for his conquests in Berri.

Richard and Philip were to hold Le Mans and Tours, and the other castles of Maine and Touraine, or else the castles of the Vexin, until the treaty was completely carried out. Henry's barons were to swear that they would force him to observe these terms.

As Henry hesitated for a moment at these crushing demands, a sudden terrible thunder broke from the still air. Both kings fell back with superstitious awe, for there had been no warning cloud or darkness. After a little space they again went forward, and again out of the serene sky came a yet louder and more awful peal. Henry, half fainting with suffering, was only prevented from falling to the ground by the friends who held him up on horseback while he made his submission to his rival and accepted the terms of peace. Then for the last time he spoke with his faithless son Richard. As the formal kiss of peace was given, the count caught his father's fierce whisper, "May God not let me die until I have worthily avenged myself on thee!" The terrible words were to Richard only a merry tale, with which on his return he stirred the French court to great laughter.

Henry was carried back the same day in a litter to Chinon. So sudden and amazing a downfall was to the superstitious terror of the time evident token that the curse of Thomas had come to rest on him. The vengeance of the implacable martyr seemed to follow him through every act of the great drama. In Philip's scornful refusal to allow Henry to swear obedience, "saving his honour and the dignity of his kingdom," the zealots of the day saw a just retribution. At Chinon a deputation of monks from Canterbury met him. "Trusting that in his affliction he might pity the afflic-

tion of the Church," and grant demands long urged by the convent, they had sought him out, "going through swords." "The convent of Canterbury salutes you as their lord," they began, as they forced their way into the sick king's presence. Henry broke in with bitter indignation, "Their lord I have been, and am still, and will be yet—small thanks to you, ye evil traitors!" he added in a lower voice, which just caught the ears of the furious monks. But he listened patiently to their complaint. "Now go out," he said, "I will speak with my faithful servants." As the monks passed out one of them stopped and laid his curse on the king, who trembled and grew pale at the terrible words. "The omnipotent God of His ineffable mercy, and for the merits of the blessed martyr Thomas, if his life and passion has been well pleasing to Him, will shortly do us justice on thy body." Tortured with suffering, Henry still summoned strength for his last public act. He called his clerk and dictated a letter to Canterbury, to urge patience till his return, when he would consider their complaint and find a way out of the difficulty. The same evening his chancellor, whom he had sent to Philip at Tours, returned with the list of those who had conspired against him. Henry bade him read the names. "Sire," he said, "may Jesus Christ help me! the first name which is written here is the name of Count John your son." The king started up from his pillow. "Is it true," he cried, "that John, my very heart, whom I have loved beyond all my sons, and for whose gain I have brought upon me all this misery, has forsaken me?" Then he laid himself down again and turned his face to the wall. "Now you have said enough," he said. "Let

all the rest go as it will, I care no more for myself nor for the world." From this time he grew delirious. But still in the intervals of his ravings the great passionate nature, the defiance, the unconquered will broke out with inextinguishable force. He cursed the day on which he was born, and called down Heaven's vengeance on his sons. The great king's pride was bowed in the extremity of his ruin and defeat. "Shame!" he muttered constantly, "shame on a conquered king." Geoffrey watched by him faithfully, and the dying king's last thoughts turned to him with grateful love. On the 6th of July, the seventh day of his illness, he was seized with violent hæmorrhage, and the end came almost instantaneously. The next day his body was borne to Fontevraud, where his sculptured tomb still stands. To the astonished onlookers at the great tragedy, the grave in a convent church, separated from the tombs of his Angevin forefathers and of his Norman ancestors, far from his English kingdom, seemed part of the strange disasters foretold by Merlin and inspired messengers. But no ruler of his age had raised for himself so great a monument as Henry. Amid the ruin that overwhelmed his imperial schemes, his realm of England stood as the true and lasting memorial of his genius. Englishmen then, as Englishmen now, taught by the "remembrance of his good times," recognized him as one of the foremost on the roll of those who have been the makers of England's greatness.

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